

## REPORT TO THE REGIONAL PLANNING COMMISSION

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DATE ISSUED: November 21, 2024

HEARING DATE: December 4, 2024                      AGENDA ITEM: 6

PROJECT NUMBER: 2023-001704-(3)

PERMIT NUMBER(S): Oak Tree Permit ("OTP") RPPL2023002442

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: Canon View Trail, Topanga (Assessor's Parcel Number ("APN") 4444-027-018)

OWNER: Howard and Kim Elston

APPLICANT: Howard Elston

CASE PLANNER: Jon Schneider, Regional Planner  
JSchneider@planning.lacounty.gov

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### **RECOMMENDATION**

*The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:*

**This is an appeal to a condition of the Hearing Officer's approval of August 27, 2024.** The Department of Regional Planning ("LA County Planning") Staff ("Staff") recommends that the Regional Planning Commission ("Commission") deny the applicant's appeal and uphold the Hearing Officer's decision to **APPROVE** Project Number 2023-001704-(3), OTP Number RPPL2023002442, including the condition that equipment, materials, and vehicles shall not be stored, parked, or operated on the permeable pavers located within the protected zones of any oak tree (Draft Condition Number 23 in Exhibit D – Conditions of Approval), based on the Findings (Exhibit C – Findings) contained within the report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motions:

### **CEQA:**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.**

**ENTITLEMENT:**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION DENY THE APPEAL AND UPHOLD THE HEARING OFFICER'S APPROVAL OF OAK TREE PERMIT NO. RPPL2023002442 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

**PROJECT DESCRIPTION**

**A. Entitlement Requested**

An OTP to retroactively authorize encroachments into the protected zones of two oak trees in association with the placement of permeable pavers beneath one oak tree and the repair of a fence beneath the second oak tree ("Project") pursuant to Los Angeles County Code ("County Code") Section 22.174.030. These encroachments occurred in 2020 without approved permits. The property, known as APN 4444-027-018, is located in the unincorporated community of Topanga ("Project Site") in the R-C-10,000 (Rural Coastal – 10,000-Square-Foot Minimum Required Lot Area) Zone. The Project Site is regulated by the Santa Monica Mountains Coastal Zone Local Implementation Program ("LIP"), pursuant to County Code Section 22.44.810.

The OTP was approved by the Hearing Officer on August 27, 2024. On September 9, 2024, the applicant, Howard Elston ("Applicant"), appealed one condition added by the Hearing Officer. This condition, which is included as Draft Condition Number 23 in Exhibit D – Conditions, requires that equipment, materials, and vehicles shall not be stored, parked, or operated on the permeable pavers located within the protected zones of any oak tree.

Although the Hearing Officer added this condition, it was derived from another condition that was already included in Staff's recommendation to the Hearing Officer and is also included as Draft Condition Number 17 in Exhibit D – Conditions. As noted in the Report to the Hearing Officer dated August 27, 2024, and in Finding Number 13, which was attached to the Report to the Hearing Officer dated August 27, 2024, the County Fire Department, Forestry Division ("Forestry Division"), in a letter dated June 27, 2023, recommended several conditions, which were incorporated into the OTP's conditions. One of the conditions in the Forestry Division's letter, labelled as condition number 20, stated that "equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any oak tree."

Staff's recommended Condition Number 16, which was attached to the Report to the Hearing Officer dated August 27, 2024, and is also included as Draft Condition Number 17 in Exhibit D – Conditions, requires the Applicant to comply with all conditions, fees, and requirements contained in the Forestry Division's letter. The Hearing Officer determined that adding a condition that explicitly included the language in condition number 20 of the Forestry Division's letter, as opposed to relying on the general reference to the Forestry Division's letter in Staff's recommended Condition Number 16, would ensure that Staff who handle zoning enforcement would clearly understand the Forestry Division's recommendations regarding the future protection of the oak tree.

**B. Project**

The Applicant requests an OTP to retroactively authorize the encroachment into the protected zones of two oak trees on a 0.17-acre lot. These encroachments occurred on June 4, 2020, without approved permits. The encroachments included the replacement of approximately 65 square feet of permeable pavers for a parking area within the protected zones of one oak tree (identified as Oak Tree #1 on the Site Plan) and the repair of a fence that included digging seven holes between 12 inches and 18 inches in diameter to install seven new fence posts within the protected zone of a second oak tree (identified as Oak Tree #2 on the Site Plan). These improvements were associated with an existing single-family residence. The Project Site can be accessed from Inspection Trail, a 15-foot-wide public road which intersects with Canon View Trail about 50 feet to the east. Per the requirements of the LIP, such improvements to an existing single-family residence do not require a Coastal Development Permit ("CDP") and will be reviewed separately through CDP Exemption Number RPPL2023002438 pursuant to County Code Section 22.44.820.A.1. However, the encroachments into the protected zones of more than one oak tree require an OTP with a public hearing pursuant to County Code Section 22.174.030. Therefore, the CDP Exemption cannot be approved unless the OTP is first approved.

The 0.17-acre Project Site is irregularly shaped and slopes downward from north to south. It contains several oak trees as well as grass and shrubs. Approximately 853 square feet of an existing single-family residence is located within an easement on the southern portion of the Project Site, with the remainder of the residence located on the lot immediately to the south. The entirety of the Project Site is subject to annual fuel modification due to the presence of the existing single-family residence, which was built in 1932, prior to the requirement to obtain County building permits in 1933 and the effective date of the Coastal Act in 1976.

**REASONS FOR APPEAL**

On September 9, 2024, the Applicant submitted an appeal of the condition that equipment, materials, and vehicles shall not be stored, parked, or operated on the permeable pavers located within the protected zones of any oak tree (Draft Condition Number 23 in Exhibit D – Conditions of Approval). The Applicant advised that they appealed this condition because the Applicant stated that this area has been used as a vehicle parking area for more than 40 years without harm to the oak trees, and that this use should continue to be allowed.

**CONSULTATION WITH FORESTRY DIVISION**

As noted above, the condition added by the Hearing Officer, which states that equipment, materials, and vehicles shall not be stored, parked, or operated on the permeable pavers located within the protected zones of any oak tree (Draft Condition Number 23 in Exhibit D – Conditions of Approval), was derived from another condition that was already included in Staff's recommendation to the Hearing Officer. That condition, Staff's recommended Condition Number 16, which was attached to the Report to the Hearing Officer dated August 27, 2024, and is also included as Draft Condition Number 17 in Exhibit D – Conditions, requires the Applicant to comply with all conditions, fees, and requirements contained in the

Forestry Division’s letter dated June 27, 2023. One of the conditions in the Forestry Division’s letter, labelled as condition number 20, stated that “equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any oak tree.” After the Applicant submitted the appeal, Staff consulted with the Forestry Division, who advised Staff that they will not rescind or modify condition number 20 in their letter dated June 27, 2023.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Hearing Officer approved the OTP at a public hearing on August 27, 2024. The applicant appealed the condition that equipment, materials, and vehicles shall not be stored, parked, or operated on the permeable pavers located within the protected zones of any oak tree (Draft Condition Number 23 in Exhibit D – Conditions of Approval) to the Commission on September 9, 2024, per the provisions of County Code Section 22.240.030.

Notice of the appeal hearing was given pursuant to the procedures set forth in County Code Section 22.222.120. These procedures exceed the minimum standards of Government Code Sections 1601 and 65090 relating to notice of public hearing. The community was properly notified of the appeal hearing by mail, newspaper (*Malibu Times*), and property posting. Additionally, the Project was noticed, and case materials were available on LA County Planning's website. On October 31, 2024, a total of 24 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 17 notices to those on the courtesy mailing list for The Malibu Zoned District and to any additional interested parties.

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Report  
Reviewed By: Rob Glaser  
Robert Glaser, Supervising Regional Planner

Report  
Approved By: M. Glaser  
Mitch Glaser, Assistant Administrator

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<b>LIST OF ATTACHED EXHIBITS</b>	
EXHIBIT A	Applicant's Appeal (9/9/2024)
EXHIBIT B	Hearing Officer Decision Package (8/27/2024)
EXHIBIT C	Hearing Officer Hearing Package (8/27/2024)
EXHIBIT D	Site Plans (5/7/2023)

LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING  
FINDINGS OF THE REGIONAL PLANNING COMMISSION  
AND ORDER  
PROJECT NO. PRJ2023-001704  
OAK TREE PERMIT NO. RPPL2023002442

**RECITALS**

1. **HEARING DATE(S).** The Los Angeles County (“County”) Regional Planning Commission (“Commission”) conducted a duly noticed public hearing on December 4, 2024, in the matter of Oak Tree Permit No. 2023002442 (“OTP”).
2. **HEARING PROCEEDINGS.** [RESERVED]
3. **ENTITLEMENT REQUESTED.** The permittee, Howard Elston (“Permittee”), requests the OTP to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree (“Project”). The property is located at Assessor Parcel Number (“APN”) 4444-027-018 with no assigned address in the unincorporated community of Topanga (“Project Site”) within the R-C-10,000 (Rural Coastal – 10,000-Square-Foot Minimum Required Lot Area) Zone. The OTP is being requested pursuant to County Code Section 22.174.030. The Project Site is regulated by the Santa Monica Mountains Coastal Zone Local Implementation Program (“LIP”).
4. **ENTITLEMENT REQUIRED.** The OTP is required to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree pursuant to County Code Chapter 22.174. The existing single-family residence on the Project Site was built in 1932, prior to the requirement to obtain County building permits in 1933 and the effective date of the Coastal Act in 1976. The replacement of permeable pavers and the repair of the fence are exempt from the standards of the LIP pursuant to County Code Section 22.44.820 because they are improvements to an existing legally established single-family residence. Thus, a Coastal Development Permit (“CDP”) is not required.
5. **LOCATION.** The Project is located on APN 4444-027-018 within the Santa Monica Mountains Planning Area.
6. **LAND USE DESIGNATION.** The Project Site is located within the RV (Rural Village) land use designation of the Santa Monica Mountains Local Coastal Program (“LCP”) Land Use Plan (“LUP”). The principal allowed use in the RV land use designation is single-family detached residences on relatively small lots.
7. **ZONING.** The Project Site is in the Malibu Zoned District and is zoned R-C-10,000. Pursuant to County Code Sections 22.14.150 and 22.174.010, encroachments into the protected zones of oak trees require an OTP.

**8. SURROUNDING LAND USES AND ZONING.**

<b>LOCATION</b>	<b>LAND USE POLICY</b>	<b>ZONING</b>	<b>EXISTING USES</b>
NORTH	RV, RL20 (Rural Land, One Dwelling Unit per Twenty Acres Maximum Density)	R-C-10,000, R-C-20 (Rural Coastal – 20 Acre Minimum Required Lot Area)	Single-family residences, vacant
EAST	OS (Open Space), OS-P (Open Space – Parks), RV	O-S (Open Space), O-S-P (Open Space – Parks), R-C-10,000	Single-family residences, open space, vacant
SOUTH	OS-P, RV	O-S-P, R-C-10,000	Single-family residences, open space, vacant
WEST	RV, RL20	R-C-10,000, R-C-20	Single-family residences, vacant

**9. PROJECT AND SITE PLAN DESCRIPTION.**

**A. Existing Site Conditions**

The Project Site is approximately 0.17 acres in size, is rectangular in shape and relatively flat, and is mostly undeveloped aside from permeable pavers, fencing, and a portion of a single-family residence on the south-central portion of the Project Site. The majority of the single-family residence is located on the parcel immediately to the south (APN 4444-027-019). The permeable pavers were replaced and the fence was repaired without permits in 2020, and these activities will be reviewed separately through CDP Exemption No. RPPL2023002438, which cannot be approved unless this OTP request is also approved. Various native and nonnative trees, in addition to the two encroached oak trees, are located on the Project Site.

**B. Site Access**

The Project Site is accessed from Inspection Trail, a 15-foot-wide public road which intersects with Canon View Trail about 50 feet to the east.

**C. Site Plan**

The site plan depicts the Project Site with the replaced permeable pavers, a wall northeast of the pavers, the repaired fence, a portion of a single-family residence, and the two on-site oak trees, which are shown with the proposed encroachments within their protected zones. The Project is within the existing building site area of the residence. The replacement of the permeable pavers and the repair done to the fence do not require new fuel modification areas or an increase in the existing fuel modification area associated with the existing single-family residence. Therefore, the Project does not require review by either the County Department of Regional Planning (“LA County Planning”) Staff Biologist or the Environmental Review

Board pursuant to County Code Section 22.44.1860.C.2.c. No oak trees will be removed.

**10. CEQA DETERMINATION.**

This Project qualifies for a Class 4 (Minor Alterations to Land) Categorical Exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (“CEQA”), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County.

Pursuant to Section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. The Project qualifies for a Class 4 Categorical Exemption because the Project includes the replacement of permeable pavers and the repair of a fence associated with a single-family residence, resulting in encroachments into the protected zones of two oak trees. No trees are proposed for removal.

Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 4 Categorical Exemption mentioned above. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also apply where a project may result in damage to scenic resources or where a project includes activities that will have a significant effect on the environment due to unusual circumstances.

The Project is not subject to an exception to the CEQA exemptions because the area has been mapped as H3 (disturbed) Habitat by the LUP, which is not considered a sensitive environmental resource. Therefore, there are no sensitive biological resources that would have been impacted by the Project. In addition, the Project, due to its minimal footprint and height, is not expected to impact scenic resources such as trails or designated scenic routes. The Project is located near Topanga Canyon Boulevard, which is a designated scenic route. However, the Project is not visible from this or any other officially designated scenic resources such as rock outcroppings, historic buildings, or other similar resources. Other exceptions involving cumulative impact, hazardous waste sites, and historic resources also do not apply. The Project does not have a cumulative impact or significant effect because it includes only two oak tree encroachments that did not disturb the roots or canopy of the either tree. Therefore, the Commission finds that the Project is categorically exempt from CEQA.

- 11. COMMUNITY OUTREACH.** The Permittee did not conduct any known public outreach for the Project prior to the public hearing.
- 12. PUBLIC COMMENTS.** Prior to the publication of the report to the Commission, LA County Planning Staff (“Staff”) did not receive any comments.

- 13. AGENCY RECOMMENDATIONS.** The County Fire Department, Forestry Division (“County Forester”), in a letter dated June 27, 2023, stated that the Oak Tree Report submitted by the Permittee was accurate and complete as to the location, size, condition and species of the oak trees on the Project Site and recommended several conditions of approval, which have been incorporated into this OTP’s conditions of approval.
- 14. LEGAL NOTIFICATION.** The Commission finds that pursuant to County Code Section 22.222.120, the community was properly notified of the public hearing by mail, newspaper [Malibu Times], and property posting. Additionally, the Project was noticed, and case materials were available on LA County Planning’s website. On October 31, 2024, a total of 24 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor’s record within a 500-foot radius from the Project Site, as well as 17 notices to those on the courtesy mailing list for the Malibu Zoned District and to any additional interested parties.
- 15. PREVIOUS HEARING PROCEEDINGS.** A duly noticed public hearing was held before Hearing Officer Steven Jareb on August 27, 2024. Staff presented the Project and recommended approval of the OTP. The Permittee was not present and there was no public testimony. The Hearing Officer closed the public hearing, found the Project to be exempt from CEQA, and approved the OTP with an additional condition (Condition Number 23), which stated: “Equipment, materials, and vehicles shall not be stored, parked or operated on the permeable pavers located within the protected zone of any oak tree per Fire Department’s letter, dated June 27, 2023.”
- 16. APPEAL.** On September 9, 2024, the Permittee appealed Condition Number 23, which was added by the Hearing Officer, as noted in Finding Number 15, above.

Although the Hearing Officer added this condition, it was derived from another condition that was already included in Staff’s recommendation to the Hearing Officer. As noted in the Report to the Hearing Officer dated August 27, 2024, and in Finding Number 13, which was attached to the Report to the Hearing Officer dated August 27, 2024, and as noted in Finding 13, above, the County Forester, in a letter dated June 27, 2023, recommended several conditions, which were incorporated into the OTP’s conditions. One of the conditions in the County Forester’s letter, labelled as condition number 20, stated that “equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any oak tree.”

Staff’s recommended Condition Number 16, which was attached to the Report to the Hearing Officer dated August 27, 2024, and is also attached to these findings as Condition Number 17, requires the Permittee to comply with all conditions, fees, and requirements contained in the County Forester’s letter. The Hearing Officer determined that adding a condition that explicitly included the language in condition number 20 of the County Forester’s letter, as opposed to relying on the general reference to the County Forester’s letter in Staff’s recommended Condition Number 16, would ensure that Staff who handle zoning enforcement would clearly understand the County Forester’s recommendations regarding the future protection of the oak tree.



After the Permittee submitted the appeal and prior to the Commission's public hearing, Staff consulted with the County Forester, who advised Staff that they would not rescind or modify condition number 20 in their letter dated June 27, 2023.

### **GENERAL PLAN CONSISTENCY FINDINGS**

17. **LAND USE POLICY.** The Commission finds that the Project is consistent with the goals and policies of the Santa Monica Mountains LCP LUP, as encroachment into the protected zones of two oak trees in association with the replacement of permeable pavers and the repair of a fence is consistent with the RV land use designation. The Project is accessory to the principal allowed use in the RV land use designation, which is a single-family residence, does not alter the existing density of the area, and is consistent with all development standards.

18. **GOALS AND POLICIES.** The Commission finds that the Project is consistent with the following policies of the LUP:

#### Conservation and Open Space Element

##### *SERA and H3 Habitat Protection Policies*

*Policy CO-48: New and replacement infrastructure may be permitted provided that it complies with applicable provisions of this plan and is designed to avoid and, if infeasible, minimize adverse impacts to environmental and scenic resources.*

*Policy CO-53: In Rural Villages, new development shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming to all other policies of the LCP. Where there is no feasible alternative to avoid oak woodland habitat that is not H1 habitat, in order to provide a reasonable economic use of the property, ensure public health and safety, or fulfill requirements under the Americans with Disabilities Act for reasonable accommodation, removal of oak woodland habitat within Rural Villages may be allowed if limited to the minimum area necessary to achieve the purpose allowed. In no case shall the removal of oak woodland habitat exceed 10 percent of the total oak woodland area on the subject property.*

The Project does not result in adverse impacts to the surrounding environment, scenic resources, or to the health of the oak trees. Further, the Project is located in the Rural Village of Topanga Woods and potential impacts related to the unpermitted oak tree encroachments are addressed by this after-the-fact OTP. Monitoring required by this OTP's conditions of approval will ensure the health of the oak trees and if the trees do not survive due to the impact of the Project, then mitigation trees at a 10:1 ratio will be required as a part of this OTP's conditions of approval.

*Policies Regarding New Development*

*Policy CO-82: Fencing within H1 habitat, or within 100 feet of H1 habitat, is prohibited, except where necessary for public safety or habitat protection or restoration. Permitted fencing shall be wildlife-permeable, except where temporary fencing is required to keep wildlife from habitat restoration areas. Development permitted within H2 or H3 habitat may include fencing, if necessary for safety, limited to the immediate building site area, and extending no further than the outer extent of Fuel Modification Zone B (100 feet from structures that require fuel modification). Fencing shall be wildlife permeable. Perimeter fencing of a parcel, or barbed-wire or chain link fencing, is prohibited.*

The Project includes repair of an existing chain-link fence. However, the repair involves the use of like-for-like materials and the existing chain-link fence is located within 20 feet of the existing single-family residence and within Fuel Modification Zone “A.”

*Native Tree Protection Policies*

*Policy CO-99: New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 or H2 habitat and that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory uses or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat. When unavoidable adverse impacts to native trees will result from permitted development, the impacts must be mitigated in accordance with the following standards and subject to a condition of approval requiring a native tree replacement planting program. Where development encroaches into less than 30 percent of the protected zone of native trees, each affected tree shall be monitored annually for a period of not less than 10 years. An annual monitoring report shall be submitted for review by the County for each of the 10 years. Should any of these trees be lost or suffer worsened health or vigor as a result of the proposed development, the applicant shall mitigate the impacts at a 10:1 ratio with seedling-sized trees.*

*Policy CO-100: New development on sites containing oak, walnut, sycamore, bay, or other native trees shall incorporate the following native tree protection measures: a. Protective fencing shall be used around the outermost limits of the protected zones of*

*the native trees within or adjacent to the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each Santa Monica Mountains Local Coastal Program 43 February 2018 Land Use Plan applicable tree. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any onsite native trees. b. Any approved development, including grading or excavation, that encroaches into the protected zone of a native tree shall be undertaken using only hand-held tools. c. The applicants shall retain the services of a qualified independent biological consultant or arborist, approved by the Director, to monitor native trees that are within or adjacent to the construction area. Public agencies may utilize their own staff who have the appropriate classification. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced.*

This OTP retroactively authorizes encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second tree. The OTP's conditions of approval include a monitoring period of 10 years, which will ensure that the Project will not negatively impact local oak resources.

#### *Scenic Resources Goals and Policies*

*Policy CO-128: New development shall be subordinate to the character of its setting.*

*Policy CO-150: Fences, gates, walls, and landscaping shall minimize impacts to public views of scenic areas and shall be compatible with the character of the area.*

The repair of the fence resulted in minimal impact to the scenic nature of the Project Site and surrounding area and is subordinate to the character of the area. Further, the Project Site is not visible from the scenic route of North Topanga Canyon Boulevard and therefore the Project does not result in any negative scenic impacts.

#### Land Use Element

*Policy LU-33: Require that new development be compatible with the rural character of the area and the surrounding natural environment.*

The Project is designed to be consistent with the rural character of the surrounding Topanga community. The Rural Village land use designation is intended for single-family detached housing in a setting consistent with the rural character of the area. The Project is consistent with this designation because it is associated with an existing single-family residence with a rural aesthetic character.

### **ZONING CODE CONSISTENCY**

19. **PERMITTED USE IN ZONE.** The Commission finds that the Project is consistent with the County's Oak Tree Ordinance as oak tree encroachments are permitted with an

OTP pursuant to County Code Section 22.174.030, provided that the OTP Findings are met.

20. **FENCES AND WALLS.** The Commission finds that the Project is consistent with the standards identified in County Code Section 22.44.1310. Fences in the Santa Monica Mountains Coastal Zone must be wildlife permeable unless they are within Fuel Modification Zone “A,” which typically extends 20 feet from habitable structures. The Project includes the repair of an existing chain-link fence with like-for-like materials within 20 feet of the existing single-family residence.

### **OAK TREE PERMIT FINDINGS**

The Commission finds that:

21. **The proposed construction or proposed use will be accomplished without endangering the health of the remaining oak trees subject to Title 22 regulations, if any, on the subject property.** The Project involves encroachments into the protected zones of two oak trees associated with the replacement of permeable pavers and a fence. The unpermitted replacement of the pavers and repair of the fence did not endanger the health of the oak trees. The replacement of the pavers and the repair of the fence will be reviewed separately through CDP Exemption No. RPPL2023002438.
22. **The removal or relocation of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.** The Project did not involve the removal or relocation of oak trees and will therefore not result in increased soil erosion. The County Forester has required mitigation oak tree planting in the event that an oak tree dies as a result of the encroachment.
23. **That the removal or relocation of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized.** The Project does not propose any oak tree removals or relocations.
24. **The removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Oak Tree Permit procedure.** The Project does not propose any oak tree removals or relocations.

### **ENVIRONMENTAL FINDINGS**

25. The Commission finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines section 15301 (Class 4, Minor Alterations to Land). The Project involves encroachments into the protected zones of two oak trees associated with the replacement of permeable pavers and the repair of a fence. The unpermitted replacement of the pavers and repair of the fence are included in the Class 4

Categorical Exemption as well as the encroachments into the protected zones of two oak trees. The Project is not within a mapped sensitive habitat area and is not visible from any trail or scenic route, nor did the unpermitted repairs damage or have any significant effects on the oak trees or environment.

**ADMINISTRATIVE FINDINGS**

**26. LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Coastal Development Services Section, LA County Planning.

**BASED ON THE FOREGOING, THE COMMISSION CONCLUDES THAT:**

- A. The proposed construction or proposed use will be accomplished without endangering the health of the remaining oak trees subject to Title 22 regulations, if any, on the subject property;
- B. The encroachment of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;
- C. That the encroachment of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized; and
- D. The encroachment of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Oak Tree Permit procedure.
- E. The attached Condition Number 17, which states that "Equipment, materials, and vehicles shall not be stored, parked or operated on the permeable pavers located within the protected zone of any oak tree per Fire Department's letter, dated June 27, 2023," is necessary to ensure the health of the oak trees being encroached upon and is necessary for the Commission to make General Plan Consistency Finding Number 18, above, and to make Oak Tree Permit Finding Numbers 21 through 24, above. Condition 17 was recommended by the County Forester, as noted in Finding Number 13, above. As noted in Finding Number 16, above, after the Permittee submitted the appeal and prior to the Commission's public hearing, Staff consulted with the County Forester, who advised Staff that they would not rescind or modify condition number 20 in their letter dated June 27, 2023.

**THEREFORE, THE COMMISSION:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 4, Minor Alterations to Land); and
2. Denies the appeal and upholds the Hearing Officer's decision to approve **OAK TREE PERMIT NO. RPPL2023002442**, subject to the attached conditions, including the condition which states that "Equipment, materials, and vehicles shall not be stored, parked or operated on the permeable pavers located within the protected zone of any oak tree per Fire Department's letter, dated June 27, 2023." (attached Condition Number 17).

**ACTION DATE: December 4, 2024**

MG:RG:TM:JS

11/21/24

c: Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING  
DRAFT CONDITIONS OF APPROVAL  
PROJECT NO. PRJ2023-001704-(3)  
OAK TREE PERMIT NO. 2023002442**

**PROJECT DESCRIPTION**

Oak Tree Permit to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree (“Project”) subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term “Permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the Permittee, and the owner of the subject property if other than the Permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to County Code Section 22.60.260.
4. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the Permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the Permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the Permittee shall within ten days of the filing make an initial deposit with LA County Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in LA County Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to Permittee or Permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the Permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the Permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the Permittee, or the owner of the subject property if other than the Permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the Permittee, or the owner of the subject property if other than the Permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the Permittee to cease any development or activity not in full compliance shall be a violation of these conditions. No provision of any easement of any other encumbrance on the property shall exempt the Permittee and/or property owner from compliance with these conditions and applicable regulations. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The Permittee shall deposit with the County the sum of **\$441.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate LA County Planning for all expenses incurred while inspecting the premises to determine the Permittee's compliance with the conditions of approval. The fund provides for **one inspection three years following project approval**.

Inspections may be unannounced. Inspections may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS). Use of a UAS requires the approval of the Permittee pursuant to LA County Planning's UAS Policy, which may be updated from time to time, and which shall be provided to the Permittee upon request.

10. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the Permittee shall be financially responsible



and shall reimburse LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to County Code Sections 22.44.1130 and/or 22.44.1140.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **one (1) digital copy** of a modified Exhibit "A" shall be submitted to LA County Planning by December 23, 2024.
16. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the Permittee shall submit **one (1) digital copy** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A." All revised plans shall be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PERMIT-SPECIFIC CONDITIONS – OAK TREE PERMIT**

17. The Permittee shall comply with all conditions, fees, and requirements contained in the County Forester and Fire Warden, Forestry Division ("County Forester"), letter dated June 27, 2023 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division, and as required here.
18. The Permittee shall provide a plan for protecting oak trees on the subject property during and after future development, which shall include, but not be limited to, the following requirements:
  - a. The installation of chain link fencing not less than four feet in height around the protected zone of oak trees shown on the site plan. Said fencing shall be in place

and inspected by the Fire Department prior to commencement of any activity on the subject property. Said fencing shall remain in place throughout the entire period of development and shall not be removed without written authorization from the Fire Department.

- b. Where grading or any other similar activity is specifically approved within the protected zone, the Permittee shall provide an individual with special expertise acceptable to the Director to supervise all excavation or grading proposed within the protected zones and to further supervise, monitor and certify to the County Forester the implementation of all conditions imposed in connection with the Permittee's Oak Tree Permit.
  - c. Any excavation or grading allowed within the protected zone or within 15 feet of the trunk of an oak tree, whichever distance is greater, shall be limited to hand tools or small hand-power equipment.
  - d. Oak trees on other portions of the subject property not included within the site plan shall also be protected with chain link fencing, thus restricting storage, machinery storage, or access during construction.
  - e. The oak trees on the site plan shall be physically identified by number on a tag affixed to the north side of the tree in a manner preserving the health and viability of the tree. The tag shall be composed of a noncorrosive all-weather material and shall be permanently affixed to the tree. The oak tree shall be similarly designated on the site plan in a manner acceptable to the Director.
  - f. Corrective measures that require remedial action, including pruning, clearing vegetation with hand tools, and similar action are noted in the requirements contained in the County Forester letter dated June 27, 2023 (attached hereto).
  - g. To the extent feasible as determined by the Director, utility trenching shall avoid encroaching into the protected zone on its path to and from any structure.
  - h. At the start of grading operations and throughout the entire period of development, no person shall perform any work for which an Oak Tree Permit is required unless a copy of the Oak Tree Report, location map, fencing plans, and approved Oak Tree Permit and conditions are in the possession of a responsible person and also available at the site
19. The Permittee shall provide an oak tree information manual prepared by and available from the County Forester to the property owner, subsequent property owner, and any homeowners association. Invasive plant species, such as bamboo and tree-of-heaven, shall not be planted within oak tree protected zones. Any existing invasive plant species within the oak tree protected zones shall be removed.

**PROJECT SITE-SPECIFIC CONDITIONS**

20. No oak tree shall be removed from the property unless another Oak Tree Permit has been properly obtained.

21. Pavers placed within the protected zones of oak trees shall be permeable to air and water.
22. The affected trees shall be monitored for a period of 10 years and mitigation trees shall be planted at a 10:1 ratio for any tree that dies as a result of the encroachments.
23. Equipment, materials, and vehicles shall not be stored, parked or operated on the permeable pavers located within the protected zone of any oak tree per Fire Department's letter, dated June 27, 2023.

Attachments:

Exhibit E-1 Letter from County Forester, dated June 27, 2023

MG:RG:TM:JS  
11/21/24

DATE: \_\_\_\_\_

TO: Ms. Elida Luna  
Regional Planning Commission Secretary  
Department of Regional Planning  
County of Los Angeles  
320 W. Temple Avenue, Room  
1350 Los Angeles, CA 90012  
[appeal@planning.lacounty.gov](mailto:appeal@planning.lacounty.gov)

FROM: \_\_\_\_\_  
Name

SUBJECT:

Project Number(s): \_\_\_\_\_

Case Number(s): \_\_\_\_\_

Case Planner: \_\_\_\_\_

Address: \_\_\_\_\_

Assessor Parcel Number: \_\_\_\_\_

Planning Area: \_\_\_\_\_

Entitlement Requested:

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Related Zoning Matters:

Tentative Tract/Parcel Map No.	
CUP, VAR, or Oak Tree No.	
Change of Zone Case No	
Other	

I am appealing the decision of (check one and fill in the underlying information)

**Director**

**Hearing Officer**

Decision Date: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Hearing Officer's Name: \_\_\_\_\_

Agenda Item No.: \_\_\_\_\_

The following decision is being appealed (Check all that apply)

- The Denial of this request
- The Approval of this request
- The following conditions of approval:

\_\_\_\_\_

List conditions here

The reason for appeal is as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Are you the applicant for the subject case(s) (check one)?  Yes  No

The appeal filing fee as indicated on the Fee Schedule (<https://planning.lacounty.gov/fees>) may be paid online via Epic LA (<https://epicla.lacounty.gov/SelfService/#/home>), or submitted herein (cash, check, credit card or money order). Make checks payable to Los Angeles County.

*HEC [Signature]*

Appellant Signature

Print Name

Address

Email

Day Time Telephone No.

**From:** [Kim Elston](#)  
**To:** [Jon Schneider](#)  
**Subject:** Re: FW: REQUEST FOR INFORMATION FOR PROJECT NO. PRJ2023-001704-(3), Oak Tree Permit ("OTP") RPPL2023002442  
**Date:** Wednesday, August 28, 2024 9:17:31 PM  
**Attachments:** [image001.png](#)

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**CAUTION:** External Email. Proceed Responsibly.

Jon,

We had not received the Request for Information from the Hearing Officer until today, Wed. 08/28/24. Our intent was to be present at the hearing, however, due to traffic and misinformation of the location of the hearing site (Hall of Administration vs. Hall of Records), we had to listen to the meeting via phone, so were able to hear the Hearing Officer's questions.

What concerns us the most is the condition of no parking on our historical parking area. The intent for this OTP is to repair/replace pavers on an existing parking area which has been in place for over 40 yrs., this is not a new project.

Before amendments are made to the hearing documents, we need to be able to correct the direction this has taken.

Keep in touch,

Howard & Kim Elston

On Tue, Aug 27, 2024 at 7:27 AM Jon Schneider <[JSchneider@planning.lacounty.gov](mailto:JSchneider@planning.lacounty.gov)> wrote:

Hi Kim,

The Hearing Officer will ask some questions today when I present your case. I am sharing the questions with you.

Sincerely,

**Jon Schneider**, (he/him/his)

**REGIONAL PLANNER, Coastal Development Service**

Office: (213) 974-6411 • Direct: (213) 893-7049

Email: [jschneider@planning.lacounty.gov](mailto:jschneider@planning.lacounty.gov)

Los Angeles County Department of Regional Planning

th

320 West Temple Street, 13 Floor, Los Angeles, CA 90012  
[planning.lacounty.gov](http://planning.lacounty.gov)



*Our [field offices](http://planning.lacounty.gov) are currently open to the public. Please visit [planning.lacounty.gov](http://planning.lacounty.gov) for information about available services, public meeting schedules, and planning projects.*

**\*\* I am currently working remotely and best reachable via email.\*\***

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**From:** Steven Jareb <[sjareb@planning.lacounty.gov](mailto:sjareb@planning.lacounty.gov)>  
**Sent:** Monday, August 26, 2024 5:33 PM  
**To:** Jon Schneider <[JSchneider@planning.lacounty.gov](mailto:JSchneider@planning.lacounty.gov)>  
**Cc:** Robert Glaser <[rglaser@planning.lacounty.gov](mailto:rglaser@planning.lacounty.gov)>  
**Subject:** REQUEST FOR INFORMATION FOR PROJECT NO. PRJ2023-001704-(3), Oak Tree Permit ("OTP") RPPL2023002442

Hello Jon and Rob,

Please see my attached request for information related to PROJECT NO. PRJ2023-001704-(3), Oak Tree Permit ("OTP") RPPL2023002442.

Sincerely,

**STEVEN JAREB** (he/him/his)

**SUPERVISING PLANNER, Zoning Enforcement Special Projects**

Office: (213) 974-6483 • Email: [sjareb@planning.lacounty.gov](mailto:sjareb@planning.lacounty.gov)



**From:** [DRP Appeal](#)  
**To:** [kim.elston@gmail.com](mailto:kim.elston@gmail.com)  
**Cc:** [DRP Appeal](#); [Jon Schneider](#); [Robert Glaser](#); [Shawn Skeries](#); [Mitch Glaser](#); [Susan Tae](#); [Kevin Finkel](#); [Elizabeth Chaidez](#)  
**Subject:** Appeal to RPC (Applicant) Howard & Kim Elston; Project No. PRJ2023-001704-(3), Oak Tree Permit ("OTP") RPPL2023002442  
**Date:** Tuesday, September 3, 2024 11:17:21 AM  
**Attachments:** [image001.png](#)  
[RPC Appeal Form - Appeal to the COMMISSION.pdf](#)  
[CrystalReportViewer1-149.pdf](#)

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Hello Howard & Kim Elston:

Thank you for your interest in appealing the Hearing Officer's decision. Kindly complete the attached appeal form (The following conditions of approval).

In addition, you will need log into our main website <https://planning.lacounty.gov/> then select the RESOURCES Tab, select EPIC-LA, where it will show you how to pay for the fee.

To make your payment online, open the link to EPIC-LA: [https://epicla.lacounty.gov/energov\\_prod/SelfService/#/home](https://epicla.lacounty.gov/energov_prod/SelfService/#/home) where you will login or register to make the payment of \$994.00, the fee to appeal two conditions or less (Applicant – The following conditions of approval). Attached is the invoice.

The cashier has been copied and can assist you if you encounter problems, her name is Elizabeth Chaidez, and she can be reached at [echaidez@planning.lacounty.gov](mailto:echaidez@planning.lacounty.gov).

The last date to file an appeal is September 10, 2024, both the appeal form and fee must be submitted by 5:00 p.m.

Please let me know once you have made your payment and staff will contact you with further instructions.

**Project information:**

Project No. PRJ2023-001704-(3)  
Oak Tree Permit No. RPPL2023002442  
Applicant: Howard Elston  
Address: 537 Canon View Trail  
Santa Monica Mountains Planning Area

Thank you,

**ELIDA LUNA** (she/her/hers)

**COMMISSION SECRETARY, Operations & Major Projects (OMP)**

Direct: (213) 974-6409

Email: [eluna@planning.lacounty.gov](mailto:eluna@planning.lacounty.gov)

---

**From:** Kim Elston <[kim.elston@gmail.com](mailto:kim.elston@gmail.com)>

**Sent:** Monday, September 2, 2024 7:32 PM

**To:** Jon Schneider <[JSchneider@planning.lacounty.gov](mailto:JSchneider@planning.lacounty.gov)>

**Subject:** Re: FW: REQUEST FOR INFORMATION FOR PROJECT NO. PRJ2023-001704-(3), Oak Tree Permit ("OTP") RPPL2023002442

**CAUTION: External Email. Proceed Responsibly.**

Hi, Jon:

We received the revised documents and will pursue an appeal.

When I click on the link for "appeal", it merely opens an email window; my question is, is there a specific form or format that should be followed to file an appeal? Who do we address it to?

Thank you for your assistance,

Kim & Howard Elston

On Thu, Aug 29, 2024 at 7:12 AM Jon Schneider <[JSchneider@planning.lacounty.gov](mailto:JSchneider@planning.lacounty.gov)> wrote:

Good morning,

I'm sorry for any confusion arriving to the Hall of Records but I'm glad you were fortunate to listen over the phone.

The requirement preventing you from parking on the pavers is a Fire Department- Forestry Division regulation and not by our department, Regional Planning. The Hearing Officer decided the condition based on that regulation. You would be liable for citations if you park a vehicle on the pavers beneath the oak tree.

You can appeal the decision. I will post my approval package today with instructions on how to appeal. You have until September 10<sup>th</sup> to do so.

Sincerely,

**Jon Schneider**, (he/him/his)

**REGIONAL PLANNER, Coastal Development Service**

Office: (213) 974-6411 • Direct: (213) 893-7049

Email: [jschneider@planning.lacounty.gov](mailto:jschneider@planning.lacounty.gov)

Los Angeles County Department of Regional Planning

320 West Temple Street, 13<sup>th</sup> Floor, Los Angeles, CA 90012

[planning.lacounty.gov](http://planning.lacounty.gov)



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**\*\* I am currently working remotely and best reachable via email.\*\***

---

**From:** Kim Elston <[kim.elston@gmail.com](mailto:kim.elston@gmail.com)>  
**Sent:** Wednesday, August 28, 2024 9:17 PM  
**To:** Jon Schneider <[JSchneider@planning.lacounty.gov](mailto:JSchneider@planning.lacounty.gov)>  
**Subject:** Re: FW: REQUEST FOR INFORMATION FOR PROJECT NO. PRJ2023-001704-(3), Oak Tree Permit ("OTP") RPPL2023002442

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Keep in touch,  
Howard & Kim Elston

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Hi Kim,

The Hearing Officer will ask some questions today when I present your case. I am sharing the questions with you.

Sincerely,

Jon Schneider, (he/him/his)

**REGIONAL PLANNER, Coastal Development Service**

Office: (213) 974-6411 • Direct: (213) 893-7049

Email: [jschneider@planning.lacounty.gov](mailto:jschneider@planning.lacounty.gov)

Los Angeles County Department of Regional Planning

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**Sent:** Monday, August 26, 2024 5:33 PM

**To:** Jon Schneider <[JSchneider@planning.lacounty.gov](mailto:JSchneider@planning.lacounty.gov)>

**Cc:** Robert Glaser <[rglaser@planning.lacounty.gov](mailto:rglaser@planning.lacounty.gov)>

**Subject:** REQUEST FOR INFORMATION FOR PROJECT NO. PRJ2023-001704-(3), Oak Tree Permit ("OTP") RPPL2023002442

Hello Jon and Rob,

Please see my attached request for information related to PROJECT NO. PRJ2023-001704-(3), Oak Tree Permit ("OTP") RPPL2023002442.

Sincerely,

**STEVEN JAREB** (he/him/his)

**SUPERVISING PLANNER, Zoning Enforcement Special Projects**

Office: (213) 974-6483 • Email: [sjareb@planning.lacounty.gov](mailto:sjareb@planning.lacounty.gov)

August 27, 2024

Howard Elston  
475 Dorothy Lane  
Arroyo Grande, CA

**PROJECT NO. PRJ2023-001704-(3)  
ADMINISTRATIVE OAK TREE PERMIT NO. RPPL2023002442  
APN: 4444-027-018**

Dear Mr. Elston:

Hearing Officer Steven Jareb, by his action of **August 27, 2024**, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

**Appeals:** The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **September 10, 2024**. Appeals must be submitted to [appeal@planning.lacounty.gov](mailto:appeal@planning.lacounty.gov) before the end of the appeal period.

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

Howard Elston  
August 27, 2024  
Page 2

For questions or for additional information, please contact Jon Schneider of the Coastal Development Services Section at (213) 893-7049, or [jschneider@planning.lacounty.gov](mailto:jschneider@planning.lacounty.gov).

Sincerely,

AMY J. BODEK, AICP  
Director of Regional Planning

*Rob Glaser*

Robert Glaser, Supervising Regional Planner  
Coastal Development Services Section

RG: JS

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety) Zoning Enforcement

**LOS ANGELES COUNTY**  
**DEPARTMENT OF REGIONAL PLANNING**  
**FINDINGS OF THE HEARING OFFICER**  
**AND ORDER**  
**PROJECT NO. PRJ2023-001704**  
**OAK TREE PERMIT NO. RPPL2023002442**

**RECITALS**

1. **HEARING DATE(S).** The Los Angeles County ("County") Hearing Officer conducted a duly noticed public hearing in the matter of Oak Tree Permit No. RPPL2023002442 ("OTP") on August 27, 2024.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held before Hearing Officer Steven Jareb. Staff presented the matter and recommended approval. There being no public testimony, and the applicants were not present, the Hearing Officer closed the public hearing, found the Project exempt from CEQA, and approved the request.
3. **ENTITLEMENT(S) REQUESTED.** The permittee, Howard Elston ("Permittee"), requests the OTP to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree ("Project"). The property is located at Assessor Parcel Number ("APN") 4444-027-018 with no assigned address in the unincorporated community of Topanga ("Project Site") within the R-C-10,000 (Rural Coastal – 10,000 Square-Foot Minimum Required Lot Area) Zone. The OTP is being requested pursuant to County Code Section 22.174.030. The Project Site is regulated by the Santa Monica Mountains Coastal Zone Local Implementation Program ("LIP").
4. **ENTITLEMENT(S) REQUIRED.** The OTP is required to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree pursuant to County Code Chapter 22.174. The existing single-family residence on the Project Site was built in 1932, prior to the requirement to obtain County building permits in 1933 and the effective date of the Coastal Act in 1976. The replacement of permeable pavers and the repair of the fence are exempt from the standards of the LIP pursuant to County Code Section 22.44.820 because they are improvements to an existing legally established single-family residence. Thus, a Coastal Development Permit ("CDP") is not required.
5. **LOCATION.** The Project is located at APN 4444-027-018 within the Santa Monica Mountains Planning Area.

6. **LAND USE DESIGNATION.** The Project Site is located within the RV (Rural Village) land use designation of the Santa Monica Mountains Local Coastal Program (“LCP”) Land Use Plan (“LUP”). The principal allowed use in the RV land use designation is single-family detached residences on relatively small lots.
7. **ZONING.** The Project Site is in the Malibu Zoned District and is zoned R-C-10,000. Pursuant to County Code Sections 22.14.150 and 22.174.010, encroachments into the protected zones of oak trees require an OTP.
8. **SURROUNDING LAND USES AND ZONING**

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
NORTH	RV, RL20 (Rural Land, One Dwelling Unit per Twenty Acres Maximum Density)	R-C-10,000, R-C-20 (Rural Coastal – 20 Acre Minimum Required Lot Area)	Single-family residences, vacant
EAST	OS (Open Space), OS-P (Open Space – Parks), RV	O-S (Open Space), O-S-P (Open Space – Parks), R-C-10,000	Single-family residences, open space, vacant
SOUTH	OS-P, RV	O-S-P, R-C-10,000	Single-family residences, open space, vacant
WEST	RV, RL20	R-C-10,000, R-C-20	Single-family residences, vacant

**9. PROJECT AND SITE PLAN DESCRIPTION.**

**A. Existing Site Conditions**

The Project Site is approximately 0.17 acres in size, is rectangular in shape and relatively flat, and is mostly undeveloped aside from permeable pavers, fencing, and a portion of a single-family residence on the south-central portion of the Project Site. The majority of the single-family residence is located on the parcel immediately to the south (APN 4444-027-019). The permeable pavers were replaced and the fence was repaired without permits in 2020 and these activities will be reviewed separately through CDP Exemption No. RPPL2023002438, which cannot be approved unless this OTP request is also approved. Various native and nonnative trees, in addition to the two encroached oak trees, are located on the Project Site.

**B. Site Access**

The Project Site is accessed from Inspection Trail, a 15-foot-wide public road which intersects with Canon View Trail about 50 feet to the east.



C. Site Plan

The site plan depicts the Project Site with the replaced permeable pavers, a wall northeast of the pavers, the repaired fence, a portion of a single-family residence, and the two on-site oak trees, which are shown with the proposed encroachments within their protected zones. The Project is within the existing building site area of the residence. The replacement of the permeable pavers and the repair done to the fence do not require new fuel modification areas or an increase in the existing fuel modification area associated with the existing single-family residence. Therefore, the Project does not require review by either the County Department of Regional Planning (“LA County Planning”) Staff Biologist or the Environmental Review Board pursuant to County Code Section 22.44.1860.C.2.c. No oak trees will be removed.

**10. CEQA DETERMINATION.**

This Project qualifies for a Class 4 (Minor Alterations to Land) Categorical Exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (“CEQA”), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County.

Pursuant to Section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. The Project qualifies for a Class 4 Categorical Exemption because the Project includes the replacement of permeable pavers and the repair of a fence associated with a single-family residence, resulting in encroachments into the protected zones of two oak trees. No trees are proposed for removal.

Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 4 Categorical Exemption mentioned above. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also apply where a project may result in damage to scenic resources or where a project includes activities that will have a significant effect on the environment due to unusual circumstances.

The Project is not subject to an exception to the CEQA exemptions because the area has been mapped as H3 (disturbed) Habitat by the LUP, which is not considered a sensitive environmental resource. Therefore, there are no sensitive biological resources that would have been impacted by the Project. In addition, the Project, due to its minimal footprint and

height, is not expected to impact scenic resources such as trails or designated scenic routes. The Project is located near North Topanga Canyon Boulevard, which is a designated scenic route. However, the Project is not visible from North Topanga Canyon Boulevard or any other officially designated scenic resources such as trees, rock outcroppings, historic buildings, or other similar resources. Other exceptions involving cumulative impact, hazardous waste sites, and historic resources also do not apply. The Project did not have a cumulative impact or significant effect because it includes one oak tree encroachment associated with the repair of a fence and the holes dug for the fence did not disturb the roots or canopy of the oak tree and because it includes a second oak tree encroachment associated with the replacement of permeable pavers that did not disturb the roots or canopy of the other oak tree. In addition, the Project Site does not include a hazardous waste site and is not on any historical resources list. Therefore, the Hearing Officer finds that the Project is categorically exempt from CEQA.

11. **COMMUNITY OUTREACH.** The Permittee did not conduct any known public outreach for the Project prior to the public hearing.
12. **PUBLIC COMMENTS.** Prior to the publication of the Report to the Hearing Officer, Staff did not receive any comments.
13. **AGENCY RECOMMENDATIONS.** The County Fire Department, Forestry Division (“County Forester”), in a letter dated June 27, 2023, stated that the Oak Tree Report submitted by the Permittee was accurate and complete as to the location, size, condition and species of the oak trees on the Project Site and recommended several conditions of approval, which have been incorporated into this OTP’s conditions of approval.
14. **LEGAL NOTIFICATION.** Pursuant to County Code Section 22.222.120, the community was properly notified of the public hearing by mail, and newspaper (Malibu Times). Additionally, the Project was noticed and case materials were available on LA County Planning's website. On June 13, 2024, a total of 24 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor’s record within a 500-foot radius from the Project Site, as well as 17 notices to those on the courtesy mailing list for the Malibu Zoned District and to any additional interested parties.

**GENERAL PLAN CONSISTENCY FINDINGS**

15. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the Santa Monica Mountains LCP LUP, as encroachment into the protected zones of two oak trees in association with the replacement of permeable pavers and the repair of a fence is consistent with the RV land use designation. The Project is accessory to the principal

allowed use in the RV land use designation, which is a single-family residence, does not alter the existing density of the area, and is consistent with all development standards.

16. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with the following policies of the LUP:

*SERA and H3 Habitat Protection Policies*

*Policy CO-48: New and replacement infrastructure may be permitted provided that it complies with applicable provisions of this plan and is designed to avoid and, if infeasible, minimize adverse impacts to environmental and scenic resources.*

*Policy CO-53: In Rural Villages, new development shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming to all other policies of the LCP. Where there is no feasible alternative to avoid oak woodland habitat that is not H1 habitat, in order to provide a reasonable economic use of the property, ensure public health and safety, or fulfill requirements under the Americans with Disabilities Act for reasonable accommodation, removal of oak woodland habitat within Rural Villages may be allowed if limited to the minimum area necessary to achieve the purpose allowed. In no case shall the removal of oak woodland habitat exceed 10 percent of the total oak woodland area on the subject property.*

The Project does not result in adverse impacts to the surrounding environment, scenic resources, or to the health of the oak trees. Further, the Project is located in the Rural Village of Topanga Woods and potential impacts related to the unpermitted oak tree encroachments are addressed by this after-the-fact OTP. Monitoring required by this OTP's conditions of approval will ensure the health of the oak trees and if the trees do not survive due to the impact of the Project, then mitigation trees at a 10:1 ratio will be required as a part of this OTP's conditions of approval.

*Policies Regarding New Development*

*Policy CO-82: Fencing within H1 habitat, or within 100 feet of H1 habitat, is prohibited, except where necessary for public safety or habitat protection or restoration. Permitted fencing shall be wildlife-permeable, except where temporary fencing is required to keep wildlife from habitat restoration areas. Development permitted within H2 or H3 habitat may include fencing, if necessary for safety, limited to the immediate building site area, and extending no further than the outer extent of Fuel Modification Zone B (100 feet from structures that require fuel modification). Fencing shall be wildlife permeable. Perimeter fencing of a parcel, or barbed-wire or chain link fencing, is prohibited.*

The Project includes repair of an existing chain-link fence. However, the repair involves the use of like-for-like materials and the existing chain-link fence is located within 20 feet of the existing single-family residence and within Fuel Modification Zone "A."

*Native Tree Protection Policies*

*Policy CO-99: New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 or H2 habitat and that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory uses or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat. When unavoidable adverse impacts to native trees will result from permitted development, the impacts must be mitigated in accordance with the following standards and subject to a condition of approval requiring a native tree replacement planting program. Where development encroaches into less than 30 percent of the protected zone of native trees, each affected tree shall be monitored annually for a period of not less than 10 years. An annual monitoring report shall be submitted for review by the County for each of the 10 years. Should any of these trees be lost or suffer worsened health or vigor as a result of the proposed development, the applicant shall mitigate the impacts at a 10:1 ratio with seedling-sized trees.*

*Policy CO-100: New development on sites containing oak, walnut, sycamore, bay, or other native trees shall incorporate the following native tree protection measures: a. Protective fencing shall be used around the outermost limits of the protected zones of the native trees within or adjacent to the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each Santa Monica Mountains Local Coastal Program 43 February 2018 Land Use Plan applicable tree. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any onsite native trees. b. Any approved development, including grading or excavation, that*

*encroaches into the protected zone of a native tree shall be undertaken using only hand-held tools. c. The applicants shall retain the services of a qualified independent biological consultant or arborist, approved by the Director, to monitor native trees that are within or adjacent to the construction area. Public agencies may utilize their own staff who have the appropriate classification. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced.*

This OTP retroactively authorizes encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second tree. The OTP's conditions of approval include a monitoring period of 10 years, which will ensure that the Project will not negatively impact local oak resources.

*Scenic Resources Goals and Policies*

*Policy CO-128: New development shall be subordinate to the character of its setting.*

*Policy CO-150: Fences, gates, walls, and landscaping shall minimize impacts to public views of scenic areas and shall be compatible with the character of the area.*

The repair of the fence resulted in minimal impact to the scenic nature of the Project Site and surrounding area and is subordinate to the character of the area. Further, the Project Site is not visible from the scenic route of North Topanga Canyon Boulevard and therefore the Project does not result in any negative scenic impacts.

*Land Use Element*

*Policy LU-33: Require that new development be compatible with the rural character of the area and the surrounding natural environment.*

The Project is designed to be consistent with the rural character of the surrounding Topanga community. The Rural Village land use designation is intended for single-family detached housing in a setting consistent with the rural character of the area. The Project is consistent with this designation because it is associated with an existing single-family residence with a rural aesthetic character.

**ZONING CODE CONSISTENCY**

- 17. PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the County's Oak Tree Ordinance as oak tree encroachments are permitted with an OTP pursuant to County Code Section 22.174.030, provided that the OTP Findings are met.

18. **FENCES AND WALLS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1310. Fences in the Santa Monica Mountains Coastal Zone must be wildlife permeable unless they are within Fuel Modification Zone "A," which typically extends 20 feet from habitable structures. The Project includes the repair of an existing chain-link fence with like-for-like materials within 20 feet of the existing single-family residence.

### OAK TREE PERMIT FINDINGS

The Hearing Officer finds that:

19. **The proposed construction or proposed use will be accomplished without endangering the health of the remaining oak trees subject to Title 22 regulations, if any, on the subject property.** The Project involves encroachments into the protected zones of two oak trees associated with the replacement of permeable pavers and a fence. The unpermitted replacement of the pavers and repair of the fence did not endanger the health of the oak trees. The replacement of the pavers and the repair of the fence will be reviewed separately through CDP Exemption No. RPPL2023002438.

20. **The removal or relocation of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.** The Project did not involve the removal or relocation of oak trees and will therefore not result in increased soil erosion. The County Forester has required mitigation oak tree planting in the event that an oak tree dies as a result of the encroachment.

21. **That the removal or relocation of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized.** The Project does not propose any oak tree removals or relocations.

22. **The removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Oak Tree Permit procedure.** The Project does not propose any oak tree removals or relocations.

### ENVIRONMENTAL FINDINGS

23. The Hearing Officer finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines section 15301 (Class 4, Minor Alterations to Land). The Project involves encroachments into the protected zones of two oak trees associated with the replacement of permeable pavers and the repair of a fence. The unpermitted replacement of the pavers

and repair of the fence are included in the Class 4 Categorical Exemption as well as the encroachments into the protected zones of two oak trees. The Project is not within a mapped sensitive habitat area and is not visible from any trail or scenic route, nor did the unpermitted repairs damage or have any significant effects on the oak trees or environment.

**ADMINISTRATIVE FINDINGS**

**24. LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Coastal Development Services Section, LA County Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The proposed construction or proposed use will be accomplished without endangering the health of the remaining oak trees subject to Title 22 regulations, if any, on the subject property;
- B. The encroachment of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;
- C. That the encroachment of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized; and
- D. The encroachment of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Oak Tree Permit procedure.

**THEREFORE, THE HEARING OFFICER:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 4, Minor Alterations to Land); and
- 2. Approves **OAK TREE PERMIT NO. RPPL2023002442**, subject to the attached conditions.

**ACTION DATE: August 27, 2024**

MG: RG:TM:JS  
8/15/24

**EXHIBIT C**  
**PROJECT NO. PRJ2023-001704**  
**OAK TREE PERMIT NO. RPPL2023002442**

**FINDINGS**  
**PAGE 10 OF 10**

c: Zoning Enforcement, Building and Safety



**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL  
PROJECT NO. PRJ2023-001704-(3)  
OAK TREE PERMIT NO. RPPL2023002442**

**PROJECT DESCRIPTION**

Oak Tree Permit to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree (“Project”) subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term “Permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the Permittee, and the owner of the subject property if other than the Permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, and 7 shall be effective immediately upon the date of final approval of this grant by the County.
3. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the Permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the Permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the Permittee shall within ten days of the filing make an initial deposit with LA County Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in LA County Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to Permittee or Permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the Permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the Permittee according to County Code Section 2.170.010.

5. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
6. Upon any transfer or lease of the property during the term of this grant, the Permittee, or the owner of the subject property if other than the Permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the Permittee to cease any development or activity not in full compliance shall be a violation of these conditions. No provision of any easement or any other encumbrance on the property shall exempt the Permittee and/or property owner from compliance with these conditions and applicable regulations. Inspections may be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. Inspections may be unannounced and may be conducted utilizing any available technologies, including but not limited to, unmanned aircraft systems (UAS).
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.238 of the County Code.
10. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the Permittee shall be financially responsible and shall

reimburse LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The Permittee shall maintain the subject property in a neat and orderly fashion. The Permittee shall maintain free of litter all areas of the premises over which the Permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by LA County Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the Permittee shall remove, or cover said markings, drawings, or signage within 48 hours of such notification, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

**PERMIT-SPECIFIC CONDITIONS – OAK TREE PERMIT**

16. The Permittee shall comply with all conditions, fees, and requirements contained in the County Forester and Fire Warden, Forestry Division ("County Forester"), letter dated June 27, 2023 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division, and as required here.
17. The Permittee shall provide a plan for protecting oak trees on the subject property during and after future development, which shall include, but not be limited to, the following requirements:

- a. The installation of chain link fencing not less than four feet in height around the protected zone of oak trees shown on the site plan. Said fencing shall be in place and inspected by the Fire Department prior to commencement of any activity on the subject property. Said fencing shall remain in place throughout the entire period of development and shall not be removed without written authorization from the Fire Department.
  - b. Where grading or any other similar activity is specifically approved within the protected zone, the Permittee shall provide an individual with special expertise acceptable to the Director to supervise all excavation or grading proposed within the protected zones and to further supervise, monitor and certify to the County Forester the implementation of all conditions imposed in connection with the Permittee's Oak Tree Permit.
  - c. Any excavation or grading allowed within the protected zone or within 15 feet of the trunk of an oak tree, whichever distance is greater, shall be limited to hand tools or small hand-power equipment.
  - d. Oak trees on other portions of the subject property not included within the site plan shall also be protected with chain link fencing, thus restricting storage, machinery storage, or access during construction.
  - e. The oak trees on the site plan shall be physically identified by number on a tag affixed to the north side of the tree in a manner preserving the health and viability of the tree. The tag shall be composed of a noncorrosive all-weather material and shall be permanently affixed to the tree. The oak tree shall be similarly designated on the site plan in a manner acceptable to the Director.
  - f. Corrective measures that require remedial action, including pruning, clearing vegetation with hand tools, and similar action are noted in the requirements contained in the County Forester letter dated June 27, 2023 (attached hereto).
  - g. To the extent feasible as determined by the Director, utility trenching shall avoid encroaching into the protected zone on its path to and from any structure.
  - h. At the start of grading operations and throughout the entire period of development, no person shall perform any work for which an Oak Tree Permit is required unless a copy of the Oak Tree Report, location map, fencing plans, and approved Oak Tree Permit and conditions are in the possession of a responsible person and also available at the site.
19. The Permittee shall provide an oak tree information manual prepared by and available from the County Forester to the property owner, subsequent property owner, and any homeowners association. Invasive plant species, such as bamboo and tree-of-heaven, shall not be planted within oak tree protected zones. Any existing invasive plant species within the oak tree protected zones shall be removed.

**PROJECT SITE-SPECIFIC CONDITIONS**

20. No oak tree shall be removed from the property unless another Oak Tree Permit has been properly obtained.
21. Pavers placed within the protected zones of oak trees shall be permeable to air and water.
22. The affected trees shall be monitored for a period of 10 years and mitigation trees shall be planted at a 10:1 ratio for any tree that dies as a result of the encroachments.
23. Equipment, materials, and vehicles shall not be stored, parked or operated on the permeable pavers located within the protected zone of any oak tree per Fire Department's letter, dated June 27, 2023.

**Attachments:**

Exhibit D-1 Letter from County Forester, dated June 27, 2023

MG:RG:TM:JS  
08/27/24



ANTHONY C. MARRONE  
FIRE CHIEF  
FORESTER & FIRE WARDEN

*"Proud Protectors of Life,  
the Environment, and Property"*

## COUNTY OF LOS ANGELES FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294  
(323) 881-2401  
[www.fire.lacounty.gov](http://www.fire.lacounty.gov)



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FIFTH DISTRICT

June 27, 2023

Tyler Montgomery, Planner  
Department of Regional Planning  
Zoning Permits Section  
320 West Temple Street  
Los Angeles, CA 90012

Dear Tyler Montgomery:

**OAK TREE PERMIT NUMBER RPPL2023002442  
APN: 4444027018**

We have reviewed the "Request for Oak Tree Permit #RPPL2023002442." The project is located at APN: 4444027018 in the unincorporated area of. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Richard W. Veyna, the consulting arborist, dated March 7, 2023.

**We recommend the following as conditions of approval:**

**OAK TREE PERMIT REQUIREMENTS:**

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. The permittee shall, prior to commencement of the use authorized by this grant, pay the fees invoiced through EPIC-LA to the County of Los Angeles Fire Department. Such fees shall be used to compensate the County Forester per inspection and to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of approval. These fees provide for one (1) initial inspection prior to

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS  
ARTESIA  
AZUSA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER  
BRADBURY  
CALABASAS

CARSON  
CERRITOS  
CLAREMONT  
COMMERCE  
COVINA  
CUDAHY  
DIAMOND BAR  
DUARTE

EL MONTE  
GARDENA  
GLEN DORA  
HAWAIIAN GARDENS  
HAWTHORNE  
HERMOSA BEACH  
HIDDEN HILLS  
HUNTINGTON PARK  
INDUSTRY

INGLEWOOD  
IRWINDALE  
LA CANADA-FLINTRIDGE  
**LA HABRA**  
**LA MIRADA**  
LA PUENTE  
LAKEWOOD  
LANCASTER

LAWDALE  
LOMITA  
LYNWOOD  
MALIBU  
MAYWOOD  
NORWALK  
PALMDALE  
PALOS VERDES ESTATES  
PARAMOUNT

PICO RIVERA  
POMONA  
RANCHO PALOS VERDES  
ROLLING HILLS  
ROLLING HILLS ESTATES  
ROSEMEAD  
SAN DIMAS  
SANTA CLARITA

SIGNAL HILL  
SOUTH E I MONTE  
SOUTHGATE  
TEMPLE CITY  
VERNON  
WALNUT  
WEST HOLLYWOOD  
WESTLAKE VILLAGE  
WHITTIER

the commencement of construction and six (6) subsequent inspections until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department's Forestry Division stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
5. The permittee shall install temporary chainlink fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

**PERMITTED OAK TREE ENCROACHMENT:**

7. This grant allows encroachment within the protected zone of two (2) trees of the Oak genus identified as Tree Number 1 and Tree Number 2 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved and treated as recommended by the consulting arborist.
8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. In no case shall more than 20% of the tree canopy of any one tree be removed.

9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance." prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

**MITIGATION TREES:**

10. The permittee shall provide mitigation trees of the Oak genus at a rate of ten to one (10:1) for any tree specified above that dies as a result of the approved encroachments. In addition, any tree that reaches ordinance size during the construction and monitoring period shall be included in this permit and subject to these conditions of approval.
11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
12. Mitigation trees shall consist of indigenous varieties of Quercus agrifolia, grown from a local seed source.
13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted on site or within the same community if approved by the County Forester. If mitigation trees are deemed impossible by the County Forester, only then a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

**NON-PERMITTED ACTIONS AND VIOLATIONS:**

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.



Tyler Montgomery, Planner  
June 27, 2023  
Page 4

17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division for all enforcement efforts necessary to bring the subject property into compliance.

To schedule a County Forester inspection, please contact the Environmental Review Unit at (818) 890-5719.

If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,



TREVOR MOORE, ASSISTANT CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

TM:jl

Enclosure



# OAK TREES: Care and Maintenance

This Oak Tree Care and Maintenance Guide offers basic information and practical guidelines aimed at the preservation and continued health and survival of oak trees in the residential landscape.

Increasing pressure for development is changing the oak woodland of Los Angeles County. Heritage oaks which once survived in open rolling hills are now being preserved or replanted and incorporated into the community.

How do we protect these trees during the planning and development process, and ensure their survival once they are in the home garden?

### The Oak Tree

Oak Trees in the residential landscape often suffer decline and early death due to conditions that are easily preventable. Damage can often take years to become evident, and by the time the trees show obvious signs of disease it is usually too late to help.

Improper watering, especially during the hot summer months, and disturbance of critical root areas are most often the causes. This booklet will provide guidelines on where these critical areas lie and ways to avoid disturbing them, as well as information on long-term care and maintenance of both natural and planted oaks. Lists of additional resources for more information and demonstration areas to visit are also included.

## The Oak Tree Ordinance

The Los Angeles County Oak Tree Ordinance has been established to recognize oak trees as significant historical, aesthetic, and ecological resources. The goal of the ordinance is to create favorable conditions for the preservation and propagation of this unique and threatened plant heritage. By making this part of the development process, healthy oak trees will be preserved and maintained.

The Los Angeles County Oak Tree Ordinance applies to all unincorporated areas of the County. Individual cities may have their own ordinances, and their requirements may be different.

### Permit Requirements:

Under the Los Angeles County Ordinance, a person shall not cut, destroy, remove, relocate, inflict damage, or encroach into the *protected zone* (see text) of any ordinance sized tree of the oak tree genus without first obtaining a permit.

Damage includes but is not limited to :

- Burning
- Application of toxic substances
- Pruning or cutting
- Trenching
- Excavating
- Paving
- Operation of machinery or equipment
- Changing the natural grade

Chapter 22.56.2050: Oak Tree Permit Regulations, Los Angeles County, Adopted: August 20, 1982. Amended: September 13, 1988.

For more information about the County Oak Tree Ordinance, visit the Forestry Division's website at:

[http://flacofd.org/Forestry\\_folder/otordin.htm](http://flacofd.org/Forestry_folder/otordin.htm)

Or contact:

### Department of Regional Planning

320 W. Temple Street, 13th floor  
Los Angeles, CA 90012-3284  
(213) 974-6411

TDD: (213) 617-2292

<http://planning.co.la.ca.us>

## Types of oaks commonly found in Los Angeles County:

Many kinds of oak trees are native to Los Angeles County. A few of the more common ones are shown below, but *all* oak trees are covered by the Oak Tree Ordinance.

Older oaks which have thrived under the natural rainfall patterns of dry summers and wet winters often can't handle the extra water of a garden setting. These trees must be treated with special care if they are to survive.

Those oaks that have been planted into the landscape or sprouted naturally tend to be more tolerant of watered landscapes. These vigorous young trees may grow 1½ to 4 feet a year in height under good conditions. Once established these trees would benefit from the same special care outlined in this guide.



### Valley Oak QUERCUS LOBATA

LARGE DECIDUOUS TREE 60'-75' HIGH, BROADLY SPREADING 50'-80' WIDE.

LEAVES: DEEP GREEN, 3"-4" LONG: PAPER-LIKE TEXTURE WITH DEEP ROUNDED LOBES ON THE LEAF EDGE.

TENDS TO FAVOR VALLEY BOTTOMS: FOR THIS REASON THE VALLEY OAK HAS DISAPPEARED FROM THE LANDSCAPE MORE RAPIDLY, IMPACTED SEVERELY BY AGRICULTURE AND URBAN DEVELOPMENT.



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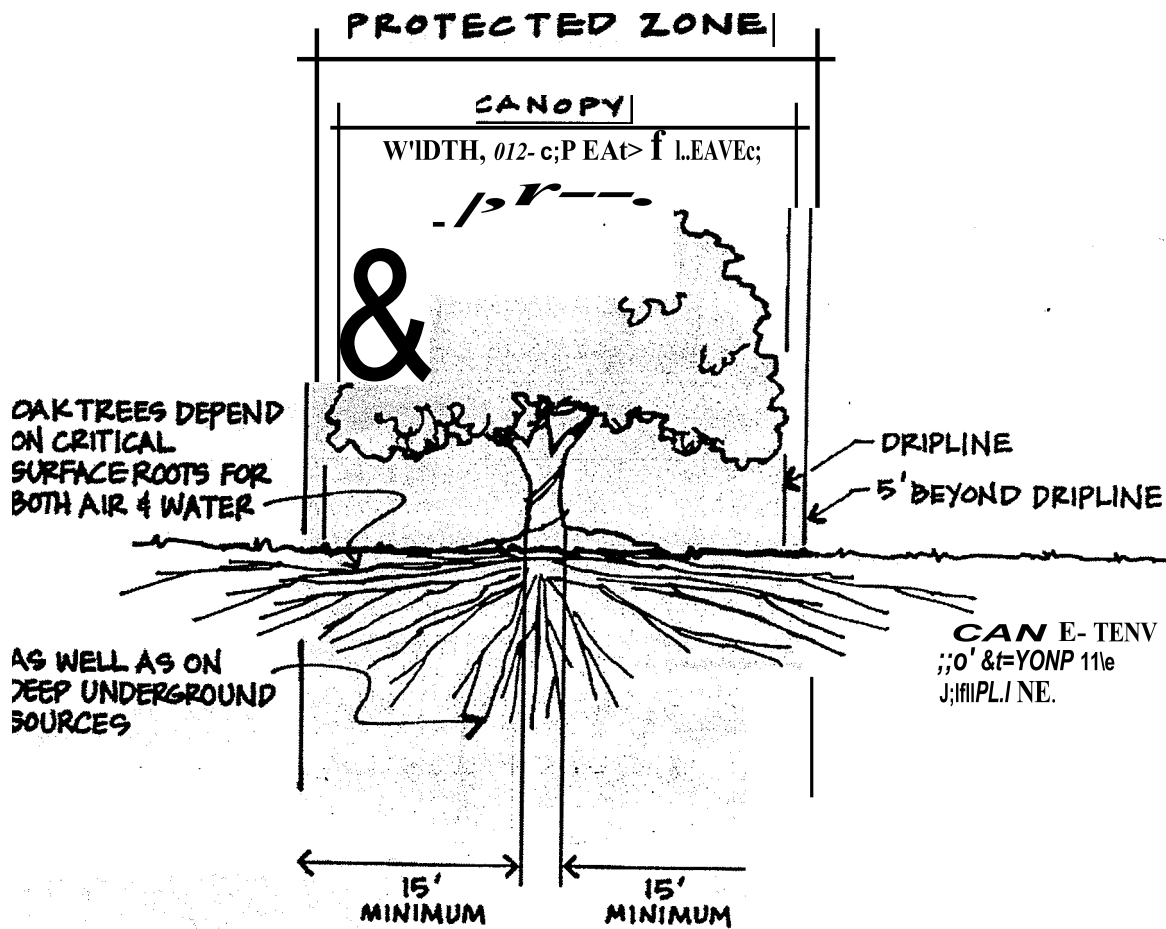
# THE PROTECTED ZONE

The **protected zone** defines the area most critical to the health and continued survival of an oak tree. Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment.

The root system is extensive but surprisingly shallow, sometimes radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the *dripline*, is especially important: the tree obtains most of its surface water and nutrients here, and conducts an important exchange of air and other gases.

The protected zone is defined in the Oak Tree Ordinance as follows:

"The Protected Zone shall mean that area within the dripline of an oak tree and extending there from to a point at least 5 feet outside the dripline or 15 feet from the trunk, whichever distance is greater."



# CONSTRUCTION ACTIVITY WITHIN THE PROTECTED ZONE

## Changes in Grade

Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. Water should drain away from this area and not be allowed to pond so that soil remains wet at the base.

Retaining walls designed to hold back soil above or below an existing tree should be avoided if at all possible, especially within the protected zone. These types of structures cause critical areas at the dripline to be buried, or require that major roots be severed. Water trapped at the base of the tree could lead to root rot or other impacts, and to the decline and premature death of a highly valued landscape tree.

Construction activities outside the protected zone can have damaging impacts on existing trees. Underground water sources can be cut off due to falling water tables, or drainage may be disrupted.

## Trenching

Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed.

If trenches must be placed within the protected zone, utilities can be placed in a conduit, which has been bored through the soil, reducing damage to the roots. Insist that as many utilities as allowed be placed in a single trench, instead of the common practice of digging a separate trench for each individual line.

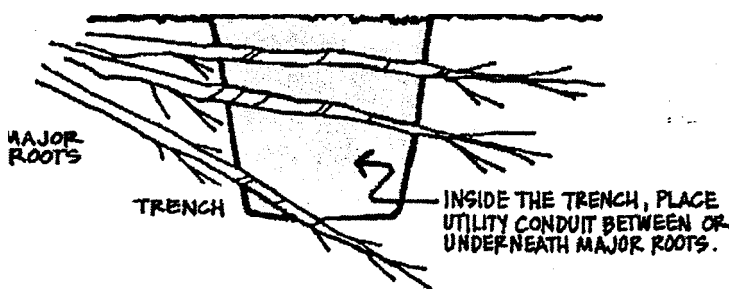
Trenching can also be accomplished using hand tools or small hand held power equipment to avoid cutting roots. Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced.

## Soil Compaction and Paving

The roots depend upon an important exchange of both water and air through the soil within the protected zone. Any kind of activity that compacts the soil in this area blocks this exchange and can have serious long-term negative effects on the tree.

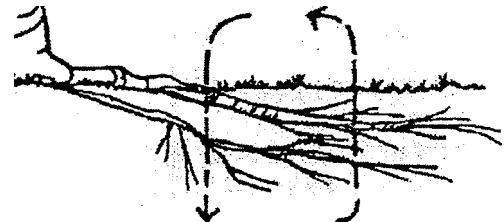
If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips (note the advantages of natural materials for providing nutrients under *mulching*).

## TRENCHING

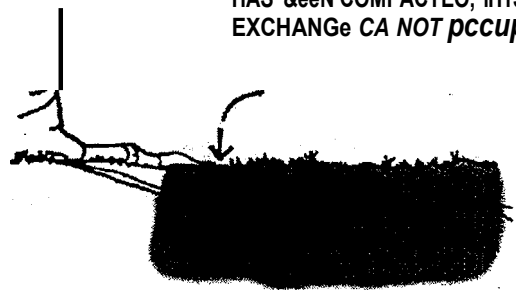


## SOIL COMPACTION

BOTH AIR AND WATER ARE EXCHANGED THROUGH THE SOIL TO THE ROOTS



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# MAINTENANCE

## Watering

The key is prevention - **do not over water**. Improper watering is often overlooked as the cause of tree death because it can take years for the damage to show. Once the tree shows obvious signs of decline, it is often too late to correct the problem.

The seasonal weather pattern for this region is one of dry summers and winter rain. Oak trees are naturally drought tolerant and adapted to this cycle. If the tree is vigorous and thriving it should not require **any** additional water.

If the natural source of surface or underground water has been altered, some supplemental water may be necessary, but proceed with caution. The goal of any watering schedule for oak trees should be to supplement natural rainfall and it should occur only when the tree would normally receive moisture. This might be in the winter, if rains are unusually late, or in spring if rainfall has been below normal levels.

Over watering, especially during the summer months, causes a number of problems which can lead to decline and eventual death of the tree. It creates ideal conditions for attacks of Oak Root Fungus by allowing the fungus to breed all year. In addition, both evergreen and deciduous oaks grow vigorously in the spring and naturally go dormant in the summer. Extra water only encourages new tip growth which is subject to mildew. Oaks need this period of rest.

Newly planted oaks may need supplemental watering during their first few summers. After they become established water should be applied according to the previous guidelines.

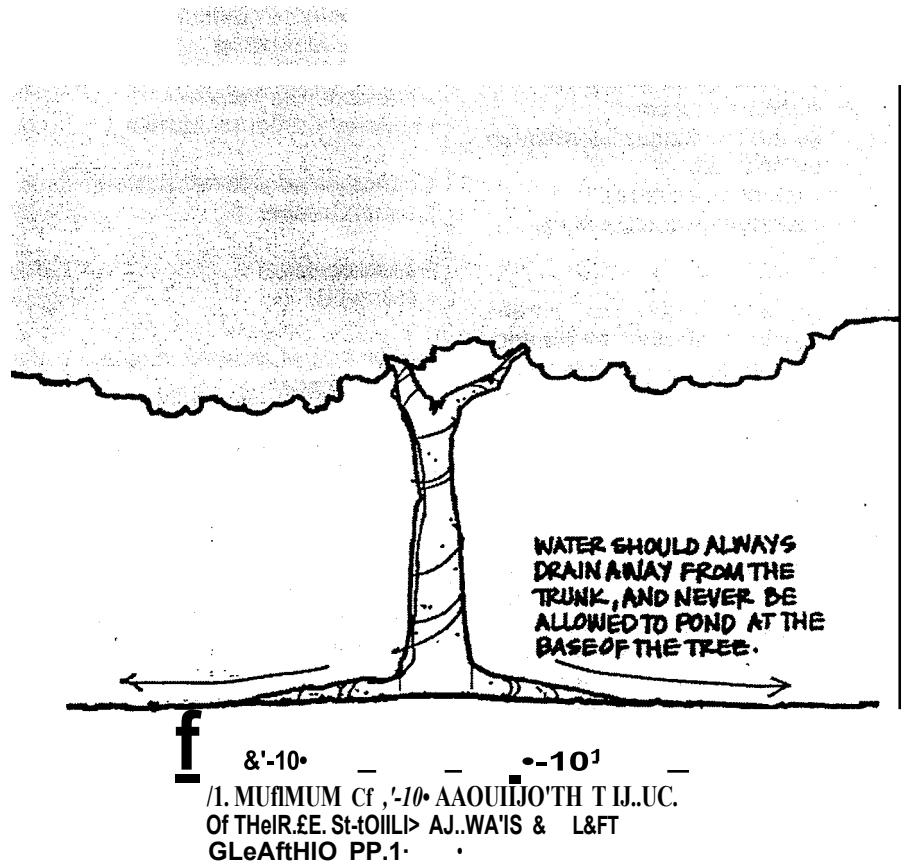
## Pruning

For oak trees the periodic removal of dead wood during periods of tree dormancy should be the only pruning needed. Any cutting of green wood opens scars that could allow the entry of organisms or disease.

Before pruning obtain the advice of a certified arborist or other professional and consult the local city or county where the tree is located to find out what regulations apply. Pruning of both live and dead wood can sometimes require a permit.

## Mulching

Leaf litter from the tree is the best mulch and should be allowed to remain on the ground within the protected zone. Crushed walnut shells or wood chips can be used, but the oak leaves that drop naturally provide the tree with a source of nutrients. Avoid the use of packaged or commercial oak leaf mulch which could contain Oak Root Fungus. Redwood chips should not be used due to certain chemicals present in the wood.



## Disease and Pests

Trees that are stressed, especially because of improper watering practices, are prone to certain diseases and attacks by pests.

The most damaging of these diseases is the Oak Root Fungus *Armillaria me/lea*. Occurring naturally in the soil, the fungus thrives under wet conditions and dies back in the summer when soils dry out. This is why summer watering of oaks can be a deadly practice. As noted in the watering guidelines, wet soil in the summer allows the fungus to grow all year. As the population grows, their natural food sources are depleted and they begin feeding on oak tree roots. The fungus does not require an open wound in the tree to gain entry.

Indications of the fungus include:

- die back of branches or tips.
- honey colored fungus at or near the root crown.
- white fan-like fungus between wood and bark.
- the presence of black, shoestring-like growths in the soil.

Once the tree begins to show obvious signs of infection treatment is generally ineffective. The best treatment is to *avoid* the conditions that lead to Oak Root Fungus infections.

Pit Scale, Oak Moth, and other pests: any significant changes in leaf color, branch die back, presence of black sooty materials on leaves or other changes should be noted. Seek the advice of a professional forester, arborist, farm advisor or other expert before the application of any pesticides on an oak tree.

## Planting Underneath Oaks

The natural leaf litter is by far the best ground cover within the protected zone. If plants must be placed, the following guidelines should be followed:

There should be no planting within a minimum 6 to 10 feet of the trunk.

Avoid plants that require 1Y supplemental water once established.

Choose plants suited for "dry shade." Those listed in the box below offer some good choices. To see some examples of how these plants have been used under oaks refer to the Additional Resources section on the following page.

### PLANTS TO CONSIDER:

Plant Name	Description
<i>Arctostaphylos densiflora</i> 'Howard McMinn' Manzanita	3' high, 6' wide. Toughest of available forms. Whitish-pink flowers.
<i>Arctostaphylos edmundsii</i> Little Sur Manzanita	1-2' high, 4-5' wide. Tolerant of full shade.
<i>Arctostaphylos hookeri</i> Monterey Carpet Manzanita	1-2' high, spreading to 12' wide by rooting branches. White to pink flowers.
<i>Ceanothus griseus horizontalis</i> Carmel Creeper	Less than 2 1/2' tall, low & creeping. Clusters of small blue flowers.
<i>Heuchera spp.</i> Coral Bells	2-4' mound. Flowers on an upright stem 2-3" high and spotted with red or pink.
<i>Mahonia aquifolium compacta</i> Oregon Grape	2-4' high, spreading by underground roots. Bright yellow flower clusters.
<i>Ribes viburnifolium</i> Evergreen or Catalina Currant	2-3' high, spreading to 12' wide. Flowers pink to red in small clusters.

### NOTES:

Before deciding on plants, check a source such as the [Sunset Western Garden Book](#) to determine which plants will grow in your area.

When choosing shade tolerant plants, consider that the ground under the south side of the tree will get more sunlight while the northern side will tend to remain more deeply shaded. •

## ADDITIONAL RESOURCES and Places to Visit

### Public Agencies

**County of Los Angeles Fire Department**  
Prevention Bureau, Forestry Division  
5823 Rickenbacker Road, Rm #123  
Commerce, CA 90040-3027  
(323) 890-4330  
<http://lacofd.org/forestry.htm>

**University of California**  
Integrated Hardwood Range Management Program  
163 Mulford Hall, Berkeley, CA 94720-3114  
<http://danr.ucop.edu/ihrmp>

### Private Organizations

**The Theodore Payne Foundation**  
10459 Tuxford Street  
Sun Valley, CA 91352-2126  
(818) 768-1802  
[www.theodorepayne.org](http://www.theodorepayne.org)

**California Native Plant Society**  
1722 J Street, Suite 17  
Sacramento, CA 95814-3033  
(916) 447-2677  
[www.cnps.org](http://www.cnps.org)

**The California Oak Foundation**  
1212 Broadway, Suite 810  
Oakland, CA 94612-1810  
(510) 763-0282  
[www.californiaoaks.org](http://www.californiaoaks.org)

### Arboretums and Botanic Gardens

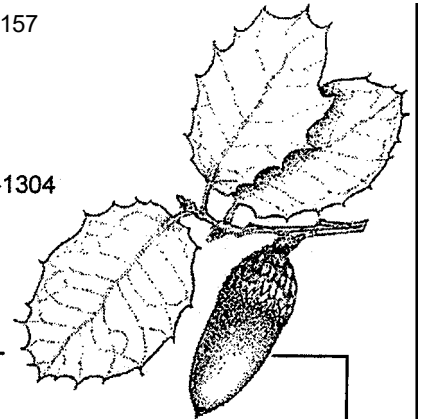
Los Angeles County Arboreta and Botanic Gardens  
301 N. Baldwin Ave. •  
Arcadia, CA 91007-2697  
(626) 821-3222  
[www.arboretum.org](http://www.arboretum.org)

**Los Angeles County South Coast Botanic Garden**  
26300 Crenshaw Blvd.  
Palos Verdes Peninsula, CA 90274-2515  
(310) 544-6815  
[www.southcoastbotanicgarden.org](http://www.southcoastbotanicgarden.org)

**Los Angeles County Descanso Gardens**  
1418 Descanso Drive  
La Canada-Flintridge, CA 91011-3102  
(818) 949-4200  
[www.descansogardens.org](http://www.descansogardens.org)

**Rancho Santa Ana Botanic Garden**  
1500 North College  
Claremont, CA 91711-3157  
(909) 625-8767  
[www.rsabg.org](http://www.rsabg.org)

**The Lummis Home**  
200 E. Avenue 43  
Los Angeles, CA 90031-1304  
(213) 222-0546



### Publications

*Compatible Plants Under and Around Oaks.* Bruce W. Hagen... [et al]. The California Oak Foundation. 2000.

*Growing California Native Plants.* Marjorie G. Schmidt, Univ. California Press. 1981.

*Illustrated Guide to the Oaks of the Southern Californian Floristic Province.* Fred M. Roberts. FM Roberts Publications. 1996.

*Living Among the Oaks: A Management Guide for Landowners.* University of California Integrated Range Management Program. 1995.

*Oaks of California.* Bruce M. Pavlik... [et al]. Cachuma Press & the California Oak Foundation. 1995.

*Proceedings of the Fifth Symposium on Oak Woodlands: Oaks in California's Changing Landscape.* GTR PSW-GTR-184. Forest Service, U.S. Department of Agriculture. 2001.  
Available from the University of California Integrated Hardwood Range Management Program.

*Regenerating Rangeland Oaks in California.* University of California Integrated Range Management Program. 2001.





## County of Los Angeles Fire Department Forestry Division

### County of Los Angeles Board of Supervisors

Gloria Molina, First District  
Yvonne Brathwaite Burke, Second District  
Zev Yaroslavsky, Third District  
Don Knabe, Fourth District  
Michael D. Antonovich, Fifth District

### County of Los Angeles Fire Department

P. Michael Freeman, Fire Chief

Brush Clearance Unit  
605 N. Angeleno Avenue  
Azusa, CA 91702-2904  
(626) 969-2375

Camp17  
6555 Stephens Ranch Road  
La Verne, CA 91750-1144  
(909) 593-7147

Environmental Review Unit  
12605 Osborne Street  
Pacoima, CA 91331-2129  
(818) 890-5719

Fire Plan/Interpretive Unit  
12605 Osborne Street  
Pacoima, CA 91331-2129  
(818) 890-5783

Fuel Modification Unit  
605 N. Angeleno Avenue  
Azusa, CA 91702-2904  
(626) 969-5205

Henninger Flats Forestry Unit  
2260 Pinecrest Drive  
Altadena, CA 91001-2123  
(626) 794-0675

Lake Hughes Forestry Unit  
42150 N. Lake Hughes Road  
Lake Hughes, CA 93532-9706  
(661) 724-1810

Malibu Forestry Unit  
942 N. Las Virgenes Road  
Calabasas, CA 91302-2137  
(818) 222-1108

San Dimas Forestry Unit ••  
1910 N. Sycamore Canyon Road  
San Dimas, CA 91773-1220  
(909) 599-4615

Saugus Forestry Unit  
28760 N. Bouquet Canyon Road  
Saugus, CA 91390-1220 •  
(661) 296-8558

Vegetation Management Unit  
12605 Osborne Street  
Pacoima, CA 91331-2129  
(818) 890-5720

REPORT TO THE HEARING OFFICER

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DATE ISSUED: August 15, 2024  
HEARING DATE: August 27, 2024 AGENDA ITEM: 4  
PROJECT NUMBER: PRJ2023-001704-(3)  
PERMIT NUMBER(S): Oak Tree Permit ("OTP") RPPL2023002442  
SUPERVISORIAL DISTRICT: 3  
PROJECT LOCATION: 537 Canon View Trail, Topanga (Assessor's Parcel Number 4444-027-018)  
OWNER: Howard and Kimberly Elston  
APPLICANT: Howard Elston  
CASE PLANNER: Jon Schneider, Planner  
jschneider@planning.lacounty.gov

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**RECOMMENDATION**

*The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:*

LA County Planning staff ("Staff") recommends **APPROVAL** of Project Number PRJ2023-001704-(3), OTP Number RPPL2023002442, based on the Findings (Exhibit C – Findings) contained within this report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motions:

**CEQA:**

**I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.**

**ENTITLEMENT:**

**I, THE HEARING OFFICER, APPROVE OAK TREE PERMIT NUMBER RPPL2023002442 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

## **PROJECT DESCRIPTION**

### **A. Entitlement(s) Requested**

OTP to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree ("Project"). These encroachments occurred in 2020 without approved permits. The property is located at 537 Canon View Trail in the unincorporated community of Topanga ("Project Site") in the R-C-10,000 (Rural Coastal – 10,000-Square-Foot Minimum Required Lot Area) Zone pursuant to County Code Section 22.174.030. The Project Site is regulated by the Santa Monica Mountains Coastal Zone Local Implementation Program ("LIP").

### **B. Project**

The applicant, Howard Elston, requests an OTP to retroactively authorize encroachments into the protected zones of two oak trees on a 0.17-acre lot. These encroachments occurred on June 4, 2020, without approved permits. The encroachments included the replacement of approximately 65 square feet of permeable pavers for a parking area within the protected zone of one oak tree (identified as Oak Tree #1 on the site plan) and the repair of a fence that included digging 12-to-18-inch-wide holes to install seven new fence posts within the protected zone of a second oak tree (identified as Oak Tree #2 on the site plan). These improvements were associated with an existing single-family residence. The Project Site can be accessed from Inspection Trail, a 15-foot-wide public road which intersects with Canon View Trail about 50 feet to the east. Per the requirements of the LIP, such improvements to an existing single-family residence do not require a Coastal Development Permit ("CDP") and will be reviewed separately through CDP Exemption No. RPPL2023002438 pursuant to County Code Section 22.44.820 A.1. However, the encroachments into the protected zones of more than one oak tree require an OTP with a public hearing pursuant to County Code Section 22.174.030. Therefore, the CDP Exemption cannot be approved unless the OTP is first approved.

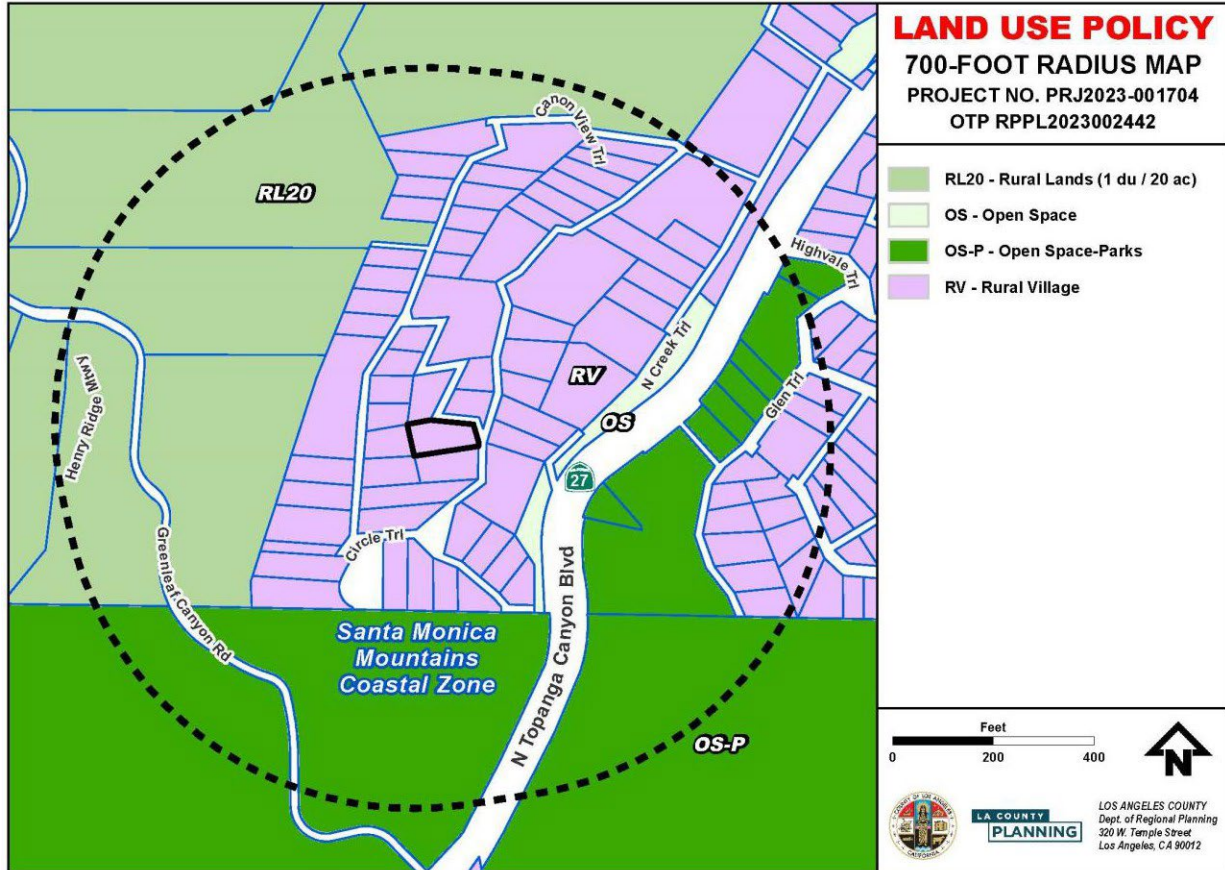
The 0.17-acre Project Site is irregularly shaped and slopes downward from north to south. It contains several oak trees as well as grass and shrubs. Approximately 853 square feet of an existing single-family residence is located within an easement on the southern portion of the Project Site, with the remainder of the residence located on the lot immediately to the south. The entirety of the Project Site is subject to annual fuel modification due to the presence of the existing single-family residence. The existing single-family residence was built in 1932, prior to the requirement to obtain County building permits in 1933 and the effective date of the Coastal Act in 1976.

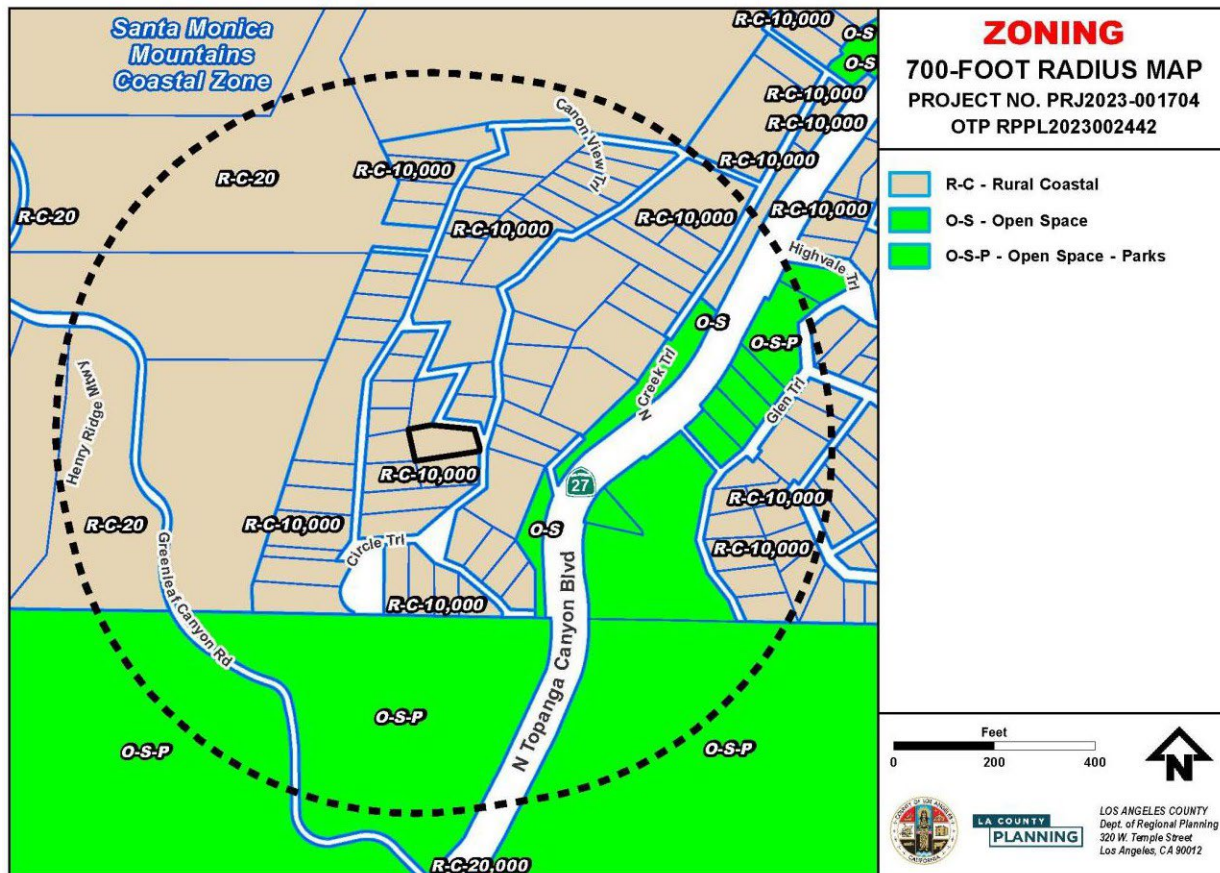
**SUBJECT PROPERTY AND SURROUNDINGS**

The following chart provides property data within a 500-foot radius:

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
SUBJECT PROPERTY	RV (Rural Village)	R-C-10,000 (Rural Coastal – 10,000-Square-Foot Minimum Required Lot Area)	Single-family residence
NORTH	RV, RL20 (Rural Land, One Dwelling Unit per Twenty Acres Maximum Density)	R-C-10,000, R-C-20 (Rural Coastal – Twenty Acre Minimum Required Lot Area)	Single-family residences, vacant
EAST	OS (Open Space), OS-P (Open Space – Parks), RV	O-S (Open Space), O-S-P (Open Space – Parks), R-C-10,000	Single-family residences, open space, vacant
SOUTH	OS-P, RV	O-S-P, R-C-10,000	Single-family residences, open space, vacant
WEST	RV, RL20	R-C-10,000, R-C-20	Single-family residences, vacant

**MAPS**





**PROPERTY HISTORY**

**A. Zoning History**

ORDINANCE NO.	ZONING	DATE OF ADOPTION
7076	M-3 (Unclassified)	December 26, 1956
7276	R-1-10,000 (Single Family Residence - 10,000— Square-Foot Required Lot Area)	January 24, 1958
ZCO-20140055	R-C-10,000	October 10, 2014

**B. Violations**

CASE NO.	VIOLATION	CLOSED/OPEN
RPCE2022005677	Unpermitted structures, including structures in setback within the	Open on October 11, 2022 and closed on February 8, 2024. The applicant

	protected zones of oak trees.	applied for this Oak Tree Permit thereafter.
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**ANALYSIS**

**A. Land Use Compatibility**

The replacement of permeable pavers and the fence repair associated with the oak tree encroachments are consistent with the Rural Village land use designation of the Santa Monica Mountains Land Use Plan (“LUP”). The Rural Village land use designation is intended for low density single-family detached housing in a setting consistent with the rural character of the area. The Project is consistent with this designation because it is associated with an existing single-family residence with a rural aesthetic character. The Project is consistent with the R-C-10,000 zoning classification, which permits accessory uses such as the permeable pavers and the fence. The properties surrounding the Project Site are zoned R-C-10,000 and the Project is consistent with the development pattern of these surrounding properties.

As proposed, the Project would comply with all applicable development standards in the Zoning Code. For further details on this compliance, see the “Zoning Ordinance Consistency” section in the attached Exhibit C – Findings.

**B. Neighborhood Impact (Need/Convenience Assessment)**

The Project is designed to be consistent with the rural character of the surrounding Topanga community. The Project includes retroactive approval of two oak tree encroachments. No oak trees are proposed to be removed as part of the Project. The Project will utilize materials common in rural area designs, such as stone, concrete, and non-reflective materials.

**C. Design Compatibility**

The Project is located within an existing rural neighborhood in the Topanga community. The Project Site is bordered by existing low-density, rural residential development in all directions. The oak tree encroachments have been reviewed by the County Fire Department—Forestry Division, which determined that they are unlikely to affect the health of the oak trees and recommended conditions of approval, including the monitoring of the affected trees for a period of 10 years and the planting of mitigation trees at a 10:1 ratio for any tree that dies as a result of the encroachments (See “County Comments and Recommendations” below).

**GENERAL PLAN/COMMUNITY PLAN CONSISTENCY**

The Project is consistent with applicable goals and policies of the LUP. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

**ZONING ORDINANCE CONSISTENCY**

The Project complies with all applicable zoning requirements. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

### **BURDEN OF PROOF**

The applicant is required to substantiate all facts identified by County Code Section 22.174.060 (Oak Tree Permit Findings and Decision). The Burden of Proof with applicant's responses is attached (Exhibit E – Applicant's Burden of Proof). Staff is of the opinion that the applicant has met the burden of proof.

### **ENVIRONMENTAL ANALYSIS**

Staff recommends that this Project qualifies for a Categorical Exemption (Class 4—Minor Alterations to Land) under CEQA and the County Environmental Document Reporting Procedures and Guidelines.

Pursuant to Section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. The Project qualifies for a Class 4 Categorical Exemption because the Project includes the replacement of permeable pavers and the repair of a fence associated with a single-family residence, resulting in encroachments into the protected zones of two oak trees. No trees are proposed for removal.

Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 4 Categorical Exemption mentioned above. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also apply where a project may result in damage to scenic resources or where a project includes activities that will have a significant effect on the environment due to unusual circumstances.

The Project is not subject to an exception to the CEQA exemptions because the area has been mapped as H3 (disturbed) Habitat by the LUP, which is not considered a sensitive environmental resource. The Project, due to its minimal footprint and height, is not expected to impact scenic resources such as trails or designated scenic routes. Other exceptions involving cumulative impact, hazardous waste sites, and historic resources also do not apply. The Project did not have a cumulative impact or significant effect because it includes one oak tree encroachment associated with the repair of a fence and the holes dug for the fence did not disturb the roots or canopy of the oak tree and because it includes a second oak tree encroachment associated with the replacement of permeable pavers that did not disturb the roots or canopy of the other oak tree. In addition, the Project Site does not include a hazardous waste site and is not on any historical resources list. Therefore, Staff recommends that the Hearing Officer determine that the Project is categorically exempt from CEQA. An environmental determination (Exhibit F – Environmental Determination) was issued for the Project.



**COMMENTS RECEIVED**

**A. County Department Comments and Recommendations**

The County Fire Department, Forestry Division, in a letter dated June 27, 2023, states that the Oak Tree Report submitted by the applicant is accurate and complete as to the location, size, condition and species of the oak trees on the Project Site and recommends several conditions of approval, which have been incorporated into this OTP.

**B. Public Comments**

Staff has not received any comments at the time of report preparation.

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Report  
Reviewed By: Rob Glaser  
Robert Glaser, Supervising Regional Planner

Report  
Approved By: M. Glaser  
Mitch Glaser, Assistant Administrator

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LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Plans
EXHIBIT B	Project Summary Sheet
EXHIBIT C	Findings
EXHIBIT D	Conditions of Approval
EXHIBIT E	Applicant's Burden of Proof
EXHIBIT F	Environmental Determination
EXHIBIT G	Informational Maps
EXHIBIT H	Photos
EXHIBIT I	Agency Correspondence
EXHIBIT J	Oak Tree Report



INSPECTION TRAIL

Property Line

FD 1" IP LS3358 \*\*

5' from dripline (canopy)

Water/Air Permeable Pavers

CONC WALL

Dripline (canopy)

Dripline (canopy)

Protected Zone

Tree #1

15'-radius from trunk

Tree #2

Protected Zone

FD 1" IP\*\*\*

WOOD RET WALL

Original South Fence Line-Repaired

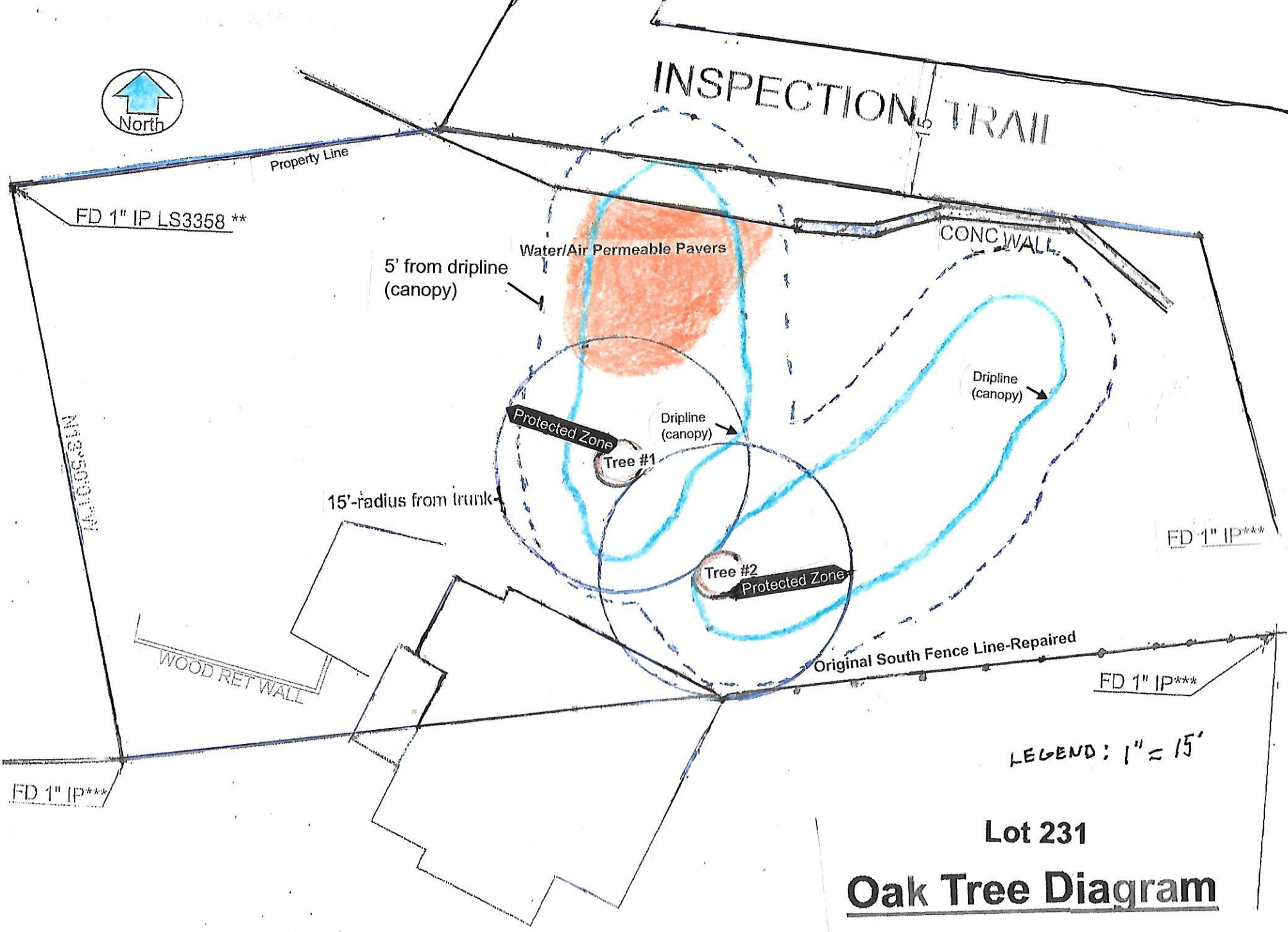
FD 1" IP\*\*\*

FD 1" IP\*\*\*

LEGEND: 1" = 15'

Lot 231

Oak Tree Diagram





**PROJECT NUMBER** PRJ2023-001704-(3)  
**HEARING DATE** August 27, 2024  
**REQUESTED ENTITLEMENT(S)**  
 Oak Tree Permit ("OTP") No. RPPL2023002442

## PROJECT SUMMARY

**OWNER / APPLICANT**

Howard Elston

**MAP/EXHIBIT DATE**

May 20, 2024

**PROJECT OVERVIEW**

OTP to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree.

**LOCATION**

537 Canon View Trail, Topanga

**ACCESS**

Inspection Trail, a 15-foot-wide public road which intersects with Canon View Trail about 50 feet to the east

**ASSESSORS PARCEL NUMBER(S)**

4444-027-018

**SITE AREA**

0.17 Acres

**GENERAL PLAN / LOCAL PLAN**

Santa Monica Mountains Local Coastal Program

**ZONED DISTRICT**

The Malibu

**LAND USE DESIGNATION**

R-V (Rural Village)

**ZONE**

R-C-10,000 (Rural Coastal – 10,000-Square-Foot Minimum Required Lot Area)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

N/A

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 4 Categorical Exemption – Minor Alterations to Land

**KEY ISSUES**

- Consistency with the Santa Monica Mountains Local Coastal Program
- Satisfaction of the following portions of Title 22 of the Los Angeles County Code:
  - Section 22.44.850 (Santa Monica Mountains Coastal Development Permit Findings)
  - Section 22.44.950 (Santa Monica Mountains Coastal Development Permit - Oak Tree Requirements)

**CASE PLANNER:**

Jon Schneider

**PHONE NUMBER:**

(213) 893 - 7049

**E-MAIL ADDRESS:**

Jschneider@planning.lacounty.gov

**LOS ANGELES COUNTY**  
**DEPARTMENT OF REGIONAL PLANNING**  
**DRAFT FINDINGS OF THE HEARING OFFICER**  
**AND ORDER**  
**PROJECT NO. PRJ2023-001704**  
**OAK TREE PERMIT NO. RPPL2023002442**

**RECITALS**

1. **HEARING DATE(S).** The Los Angeles County (“County”) Hearing Officer conducted a duly noticed public hearing in the matter of Oak Tree Permit No. RPPL2023002442 (“OTP”) on August 27, 2024.
2. **HEARING PROCEEDINGS.** [RESERVED]
3. **ENTITLEMENT(S) REQUESTED.** The permittee, Howard Elston (“Permittee”), requests the OTP to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree (“Project”). The property is located at 537 Canon View Trail in the unincorporated community of Topanga (“Project Site”) within the R-C-10,000 (Rural Coastal – 10,000 Square-Foot Minimum Required Lot Area) Zone. The OTP is being requested pursuant to County Code Section 22.174.030. The Project Site is regulated by the Santa Monica Mountains Coastal Zone Local Implementation Program (“LIP”).
4. **ENTITLEMENT(S) REQUIRED.** The OTP is required to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree pursuant to County Code Chapter 22.174. The existing single-family residence on the Project Site was built in 1932, prior to the requirement to obtain County building permits in 1933 and the effective date of the Coastal Act in 1976. The replacement of permeable pavers and the repair of the fence are exempt from the standards of the LIP pursuant to County Code Section 22.44.820 because they are improvements to an existing legally established single-family residence. Thus, a Coastal Development Permit (“CDP”) is not required.
5. **LOCATION.** The Project is located at 537 Canon View Trail (Assessor’s Parcel Number [“APN”] 4444-027-018) within the Santa Monica Mountains Planning Area.
6. **LAND USE DESIGNATION.** The Project Site is located within the RV (Rural Village) land use designation of the Santa Monica Mountains Local Coastal Program (“LCP”) Land Use Plan (“LUP”). The principal allowed use in the RV land use designation is single-family detached residences on relatively small lots.

7. **ZONING.** The Project Site is in the Malibu Zoned District and is zoned R-C-10,000. Pursuant to County Code Sections 22.14.150 and 22.174.010, encroachments into the protected zones of oak trees require an OTP.

8. **SURROUNDING LAND USES AND ZONING**

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
NORTH	RV, RL20 (Rural Land, One Dwelling Unit per Twenty Acres Maximum Density)	R-C-10,000, R-C-20 (Rural Coastal – 20 Acre Minimum Required Lot Area)	Single-family residences, vacant
EAST	OS (Open Space), OS-P (Open Space – Parks), RV	O-S (Open Space), O-S-P (Open Space – Parks), R-C-10,000	Single-family residences, open space, vacant
SOUTH	OS-P, RV	O-S-P, R-C-10,000	Single-family residences, open space, vacant
WEST	RV, RL20	R-C-10,000, R-C-20	Single-family residences, vacant

9. **PROJECT AND SITE PLAN DESCRIPTION.**

A. Existing Site Conditions

The Project Site is approximately 0.17 acres in size, is rectangular in shape and relatively flat, and is mostly undeveloped aside from permeable pavers, fencing, and a portion of a single-family residence on the south-central portion of the Project Site. The majority of the single-family residence is located on the parcel immediately to the south (APN 4444-027-019). The permeable pavers were replaced and the fence was repaired without permits in 2020 and these activities will be reviewed separately through CDP Exemption No. RPPL2023002438, which cannot be approved unless this OTP request is also approved. Various native and nonnative trees, in addition to the two encroached oak trees, are located on the Project Site.

B. Site Access

The Project Site is accessed from Inspection Trail, a 15-foot-wide public road which intersects with Canon View Trail about 50 feet to the east.

C. Site Plan

The site plan depicts the Project Site with the replaced permeable pavers, a wall northeast of the pavers, the repaired fence, a portion of a single-family residence, and the two on-site oak trees, which are shown with the proposed encroachments within their protected zones. The Project is within the existing building site area of the residence. The

replacement of the permeable pavers and the repair done to the fence do not require new fuel modification areas or an increase in the existing fuel modification area associated with the existing single-family residence. Therefore, the Project does not require review by either the County Department of Regional Planning (“LA County Planning”) Staff Biologist or the Environmental Review Board pursuant to County Code Section 22.44.1860.C.2.c. No oak trees will be removed.

#### **10. CEQA DETERMINATION.**

This Project qualifies for a Class 4 (Minor Alterations to Land) Categorical Exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (“CEQA”), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County.

Pursuant to Section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. The Project qualifies for a Class 4 Categorical Exemption because the Project includes the replacement of permeable pavers and the repair of a fence associated with a single-family residence, resulting in encroachments into the protected zones of two oak trees. No trees are proposed for removal.

Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 4 Categorical Exemption mentioned above. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also apply where a project may result in damage to scenic resources or where a project includes activities that will have a significant effect on the environment due to unusual circumstances.

The Project is not subject to an exception to the CEQA exemptions because the area has been mapped as H3 (disturbed) Habitat by the LUP, which is not considered a sensitive environmental resource. Therefore, there are no sensitive biological resources that would have been impacted by the Project. In addition, the Project, due to its minimal footprint and height, is not expected to impact scenic resources such as trails or designated scenic routes. The Project is located near North Topanga Canyon Boulevard, which is a designated scenic route. However, the Project is not visible from North Topanga Canyon Boulevard or any other officially designated scenic resources such as trees, rock outcroppings, historic buildings, or other similar resources. Other exceptions involving cumulative impact, hazardous waste

sites, and historic resources also do not apply. The Project did not have a cumulative impact or significant effect because it includes one oak tree encroachment associated with the repair of a fence and the holes dug for the fence did not disturb the roots or canopy of the oak tree and because it includes a second oak tree encroachment associated with the replacement of permeable pavers that did not disturb the roots or canopy of the other oak tree. In addition, the Project Site does not include a hazardous waste site and is not on any historical resources list. Therefore, the Hearing Officer finds that the Project is categorically exempt from CEQA.

11. **COMMUNITY OUTREACH.** The Permittee did not conduct any known public outreach for the Project prior to the public hearing.
12. **PUBLIC COMMENTS.** Prior to the publication of the Report to the Hearing Officer, Staff did not receive any comments.
13. **AGENCY RECOMMENDATIONS.** The County Fire Department, Forestry Division (“County Forester”), in a letter dated June 27, 2023, stated that the Oak Tree Report submitted by the Permittee was accurate and complete as to the location, size, condition and species of the oak trees on the Project Site and recommended several conditions of approval, which have been incorporated into this OTP’s conditions of approval.
14. **LEGAL NOTIFICATION.** Pursuant to County Code Section 22.222.120, the community was properly notified of the public hearing by mail, and newspaper (Malibu Times). Additionally, the Project was noticed and case materials were available on LA County Planning’s website. On June 13, 2024, a total of 24 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor’s record within a 500-foot radius from the Project Site, as well as 17 notices to those on the courtesy mailing list for the Malibu Zoned District and to any additional interested parties.

**GENERAL PLAN CONSISTENCY FINDINGS**

15. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the Santa Monica Mountains LCP LUP, as encroachment into the protected zones of two oak trees in association with the replacement of permeable pavers and the repair of a fence is consistent with the RV land use designation. The Project is accessory to the principal allowed use in the RV land use designation, which is a single-family residence, does not alter the existing density of the area, and is consistent with all development standards.
16. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with the following policies of the LUP:

*SERA and H3 Habitat Protection Policies*

*Policy CO-48: New and replacement infrastructure may be permitted provided that it complies with applicable provisions of this plan and is designed to avoid and, if infeasible, minimize adverse impacts to environmental and scenic resources.*

*Policy CO-53: In Rural Villages, new development shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming to all other policies of the LCP. Where there is no feasible alternative to avoid oak woodland habitat that is not H1 habitat, in order to provide a reasonable economic use of the property, ensure public health and safety, or fulfill requirements under the Americans with Disabilities Act for reasonable accommodation, removal of oak woodland habitat within Rural Villages may be allowed if limited to the minimum area necessary to achieve the purpose allowed. In no case shall the removal of oak woodland habitat exceed 10 percent of the total oak woodland area on the subject property.*

The Project does not result in adverse impacts to the surrounding environment, scenic resources, or to the health of the oak trees. Further, the Project is located in the Rural Village of Topanga Woods and potential impacts related to the unpermitted oak tree encroachments are addressed by this after-the-fact OTP. Monitoring required by this OTP's conditions of approval will ensure the health of the oak trees and if the trees do not survive due to the impact of the Project, then mitigation trees at a 10:1 ratio will be required as a part of this OTP's conditions of approval.

*Policies Regarding New Development*

*Policy CO-82: Fencing within H1 habitat, or within 100 feet of H1 habitat, is prohibited, except where necessary for public safety or habitat protection or restoration. Permitted fencing shall be wildlife-permeable, except where temporary fencing is required to keep wildlife from habitat restoration areas. Development permitted within H2 or H3 habitat may include fencing, if necessary for safety, limited to the immediate building site area, and extending no further than the outer extent of Fuel Modification Zone B (100 feet from structures that require fuel modification). Fencing shall be wildlife permeable. Perimeter fencing of a parcel, or barbed-wire or chain link fencing, is prohibited.*

The Project includes repair of an existing chain-link fence. However, the repair involves the use of like-for-like materials and the existing chain-link fence is located within 20 feet of the existing single-family residence and within Fuel Modification Zone "A."

*Native Tree Protection Policies*



*Policy CO-99: New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 or H2 habitat and that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory uses or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat. When unavoidable adverse impacts to native trees will result from permitted development, the impacts must be mitigated in accordance with the following standards and subject to a condition of approval requiring a native tree replacement planting program. Where development encroaches into less than 30 percent of the protected zone of native trees, each affected tree shall be monitored annually for a period of not less than 10 years. An annual monitoring report shall be submitted for review by the County for each of the 10 years. Should any of these trees be lost or suffer worsened health or vigor as a result of the proposed development, the applicant shall mitigate the impacts at a 10:1 ratio with seedling-sized trees.*

*Policy CO-100: New development on sites containing oak, walnut, sycamore, bay, or other native trees shall incorporate the following native tree protection measures: a. Protective fencing shall be used around the outermost limits of the protected zones of the native trees within or adjacent to the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each Santa Monica Mountains Local Coastal Program 43 February 2018 Land Use Plan applicable tree. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any onsite native trees. b. Any approved development, including grading or excavation, that encroaches into the protected zone of a native tree shall be undertaken using only hand-held tools. c. The applicants shall retain the services of a qualified independent biological consultant or arborist, approved by the Director, to monitor native trees that are within or adjacent to the construction area. Public agencies may utilize their own staff who have the appropriate classification. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced.*

This OTP retroactively authorizes encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second tree. The OTP's conditions of approval include a monitoring period of 10 years, which will ensure that the Project will not negatively impact local oak resources.

*Scenic Resources Goals and Policies*

*Policy CO-128: New development shall be subordinate to the character of its setting.*

*Policy CO-150: Fences, gates, walls, and landscaping shall minimize impacts to public views of scenic areas and shall be compatible with the character of the area.*

The repair of the fence resulted in minimal impact to the scenic nature of the Project Site and surrounding area and is subordinate to the character of the area. Further, the Project Site is not visible from the scenic route of North Topanga Canyon Boulevard and therefore the Project does not result in any negative scenic impacts.

*Land Use Element*

*Policy LU-33: Require that new development be compatible with the rural character of the area and the surrounding natural environment.*

The Project is designed to be consistent with the rural character of the surrounding Topanga community. The Rural Village land use designation is intended for single-family detached housing in a setting consistent with the rural character of the area. The Project is consistent with this designation because it is associated with an existing single-family residence with a rural aesthetic character.

**ZONING CODE CONSISTENCY**

17. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the County's Oak Tree Ordinance as oak tree encroachments are permitted with an OTP pursuant to County Code Section 22.174.030, provided that the OTP Findings are met.
18. **FENCES AND WALLS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1310. Fences in the Santa Monica Mountains Coastal Zone must be wildlife permeable unless they are within Fuel Modification Zone "A," which typically extends 20 feet from habitable structures. The Project includes the repair of an existing chain-link fence with like-for-like materials within 20 feet of the existing single-family residence.

**OAK TREE PERMIT FINDINGS**

The Hearing Officer finds that:

19. **The proposed construction or proposed use will be accomplished without endangering the health of the remaining oak trees subject to Title 22 regulations, if any, on the subject property.** The Project involves encroachments into the protected zones of two oak trees associated with the replacement of permeable pavers and a fence. The unpermitted replacement of the pavers and repair of the fence did not endanger the health of the oak trees. The replacement of the pavers and the repair of the fence will be reviewed separately through CDP Exemption No. RPPL2023002438.
20. **The removal or relocation of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.** The Project did not involve the removal or relocation of oak trees and will therefore not result in increased soil erosion. The County Forester has required mitigation oak tree planting in the event that an oak tree dies as a result of the encroachment.
21. **That the removal or relocation of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized.** The Project does not propose any oak tree removals or relocations.
22. **The removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Oak Tree Permit procedure.** The Project does not propose any oak tree removals or relocations.

**ENVIRONMENTAL FINDINGS**

23. The Hearing Officer finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines section 15301 (Class 4, Minor Alterations to Land). The Project involves encroachments into the protected zones of two oak trees associated with the replacement of permeable pavers and the repair of a fence. The unpermitted replacement of the pavers and repair of the fence are included in the Class 4 Categorical Exemption as well as the encroachments into the protected zones of two oak trees. The Project is not within a mapped sensitive habitat area and is not visible from any trail or scenic route, nor did the unpermitted repairs damage or have any significant effects on the oak trees or environment.

**ADMINISTRATIVE FINDINGS**

**24. LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Coastal Development Services Section, LA County Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The proposed construction or proposed use will be accomplished without endangering the health of the remaining oak trees subject to Title 22 regulations, if any, on the subject property;
- B. The removal or relocation of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;
- C. That the removal or relocation of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized; and
- D. The removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Oak Tree Permit procedure.

**THEREFORE, THE HEARING OFFICER:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 4, Minor Alterations to Land); and
- 2. Approves **OAK TREE PERMIT NO. RPPL2023002442**, subject to the attached conditions.

**ACTION DATE: August 27, 2024**

MG: RG:TM:JS  
8/15/24

c: Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING**

**DRAFT CONDITIONS OF APPROVAL  
PROJECT NO. PRJ2023-001704-(3)  
OAK TREE PERMIT NO. RPPL2023002442**

**PROJECT DESCRIPTION**

Oak Tree Permit to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree (“Project”) subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term “Permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the Permittee, and the owner of the subject property if other than the Permittee, have filed at the office of the Los Angeles County (“County”) Department of Regional Planning (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, and 7 shall be effective immediately upon the date of final approval of this grant by the County.
3. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the Permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the Permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the Permittee shall within ten days of the filing make an initial deposit with LA County Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in LA County Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to Permittee or Permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the Permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the Permittee according to County Code Section 2.170.010.

5. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
6. Upon any transfer or lease of the property during the term of this grant, the Permittee, or the owner of the subject property if other than the Permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the Permittee to cease any development or activity not in full compliance shall be a violation of these conditions. No provision of any easement of any other encumbrance on the property shall exempt the Permittee and/or property owner from compliance with these conditions and applicable regulations. Inspections may be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. Inspections may be unannounced and may be conducted utilizing any available technologies, including but not limited to, unmanned aircraft systems (UAS).
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.238 of the County Code.
10. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one

of the conditions of this grant, the Permittee shall be financially responsible and shall reimburse LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The Permittee shall maintain the subject property in a neat and orderly fashion. The Permittee shall maintain free of litter all areas of the premises over which the Permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by LA County Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the Permittee shall remove, or cover said markings, drawings, or signage within 48 hours of such notification, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

**PERMIT-SPECIFIC CONDITIONS – OAK TREE PERMIT**

16. The Permittee shall comply with all conditions, fees, and requirements contained in the County Forester and Fire Warden, Forestry Division ("County Forester"), letter dated June 27, 2023 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division, and as required here.

17. The Permittee shall provide a plan for protecting oak trees on the subject property during and after future development, which shall include, but not be limited to, the following requirements:
  - a. The installation of chain link fencing not less than four feet in height around the protected zone of oak trees shown on the site plan. Said fencing shall be in place and inspected by the Fire Department prior to commencement of any activity on the subject property. Said fencing shall remain in place throughout the entire period of development and shall not be removed without written authorization from the Fire Department.
  - b. Where grading or any other similar activity is specifically approved within the protected zone, the Permittee shall provide an individual with special expertise acceptable to the Director to supervise all excavation or grading proposed within the protected zones and to further supervise, monitor and certify to the County Forester the implementation of all conditions imposed in connection with the Permittee's Oak Tree Permit.
  - c. Any excavation or grading allowed within the protected zone or within 15 feet of the trunk of an oak tree, whichever distance is greater, shall be limited to hand tools or small hand-power equipment.
  - d. Oak trees on other portions of the subject property not included within the site plan shall also be protected with chain link fencing, thus restricting storage, machinery storage, or access during construction.
  - e. The oak trees on the site plan shall be physically identified by number on a tag affixed to the north side of the tree in a manner preserving the health and viability of the tree. The tag shall be composed of a noncorrosive all-weather material and shall be permanently affixed to the tree. The oak tree shall be similarly designated on the site plan in a manner acceptable to the Director.
  - f. Corrective measures that require remedial action, including pruning, clearing vegetation with hand tools, and similar action are noted in the requirements contained in the County Forester letter dated June 27, 2023 (attached hereto).
  - g. To the extent feasible as determined by the Director, utility trenching shall avoid encroaching into the protected zone on its path to and from any structure.
  - h. At the start of grading operations and throughout the entire period of development, no person shall perform any work for which an Oak Tree Permit is required unless a copy of the Oak Tree Report, location map, fencing plans, and approved Oak Tree Permit and conditions are in the possession of a responsible person and also available at the site.



19. The Permittee shall provide an oak tree information manual prepared by and available from the County Forester to the property owner, subsequent property owner, and any homeowners association. Invasive plant species, such as bamboo and tree-of-heaven, shall not be planted within oak tree protected zones. Any existing invasive plant species within the oak tree protected zones shall be removed.

**PROJECT SITE-SPECIFIC CONDITIONS**

20. No oak tree shall be removed from the property unless another Oak Tree Permit has been properly obtained.
21. Pavers placed within the protected zones of oak trees shall be permeable to air and water.
22. The affected trees shall be monitored for a period of 10 years and mitigation trees shall be planted at a 10:1 ratio for any tree that dies as a result of the encroachments.

**Attachments:**

Exhibit D-1 Letter from County Forester, dated June 27, 2023

MG:RG:TM:JS  
08/15/24

Please identify the number of oak trees proposed for:

Removal    2    Encroachment    To Remain    \_\_\_    Total existing oak trees

Pursuant to County Code Section 22.174.060: Findings, the applicant shall substantiate the following:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

B.1 The proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Title 22 regulations, if any, on the subject property.

The arborist's report submitted showed that the fence repair and paver replacement demonstrated no harm to the oak trees in the oak encroachment zone (Tree #1 & Tree #2). If our project damages an oak tree, we will engage our arborist and provide a suitable mitigation replacement.

B.2 The removal or relocation of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.

Since our project does not involve either removal or relocation of the oak trees, it would not result in a diversion or any increase in water flow that would cause soil erosion.

8.3 In addition to the above facts, at least one of the following findings apply:

- a. That the removal or relocation of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that:
  - i. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
  - ii. Placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized;
- b. That the oak trees proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the trees; or
- c. That the condition of the oak trees proposed for removal with reference to seriously debilitating disease or danger of falling is such that it cannot be remedied through reasonable reservation procedures and practices.

As our project does not involve removal or relocation of oaks, we did not find any elements in Item B.3 that apply to our application.

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8.4 The removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Oak Tree Permit procedure.

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Our project does not involve removal or relocation of any oaks and is not in conflict with the Oak Tree procedure.

## ENVIRONMENTAL DETERMINATION

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DETERMINATION DATE:	August 27, 2024
PROJECT NUMBER:	PRJ2023-001704-(3)
PERMIT NUMBER(S):	Oak Tree Permit RPPL2023002442
SUPERVISORIAL DISTRICT:	3
PROJECT LOCATION:	537 Canon View Trail, Topanga
OWNER:	Howard and Kimberly Elston
APPLICANT:	Howard Elston
CASE PLANNER:	Jon Schneider, Planner Jschneider@planning.lacounty.gov

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Los Angeles County (“County”) completed an initial review for the above-mentioned Project. Based on an examination of the Project proposal and the supporting information included in the application, the County proposes that a Categorical Exemption is the appropriate environmental documentation under the California Environmental Quality Act (“CEQA”). The Project qualifies for a Categorical Exemption (Class 4—Minor Alterations to Land) under CEQA and the County Environmental Document Reporting Procedures and Guidelines.

Pursuant to Section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. The Project qualifies for a Class 4 Categorical Exemption because the Project includes the replacement of permeable pavers and the repair of a fence associated with a single-family residence, resulting in encroachments into the protected zones of two oak trees. No trees are proposed for removal.

Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 4 Categorical Exemption cited herein. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also apply where a project may result in damage to scenic resources or where a project includes activities that will have a significant effect on the environment due to unusual circumstances.

The Project is not subject to an exception to the CEQA exemptions because the area has been mapped as H3 (disturbed) Habitat by the Santa Monica Mountains Local Coastal Program Land Use Plan, which is not considered a sensitive environmental resource.

The Project, due to its minimal footprint and height, is not expected to impact scenic resources such as trails or designated scenic routes. Other exceptions involving cumulative impact, hazardous waste sites, and historic resources also do not apply. Therefore, the Project is categorically exempt from CEQA.



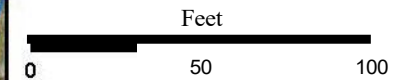
# AERIAL IMAGERY

## SITE-SPECIFIC MAP

PROJECT NO. PRJ2023-001704

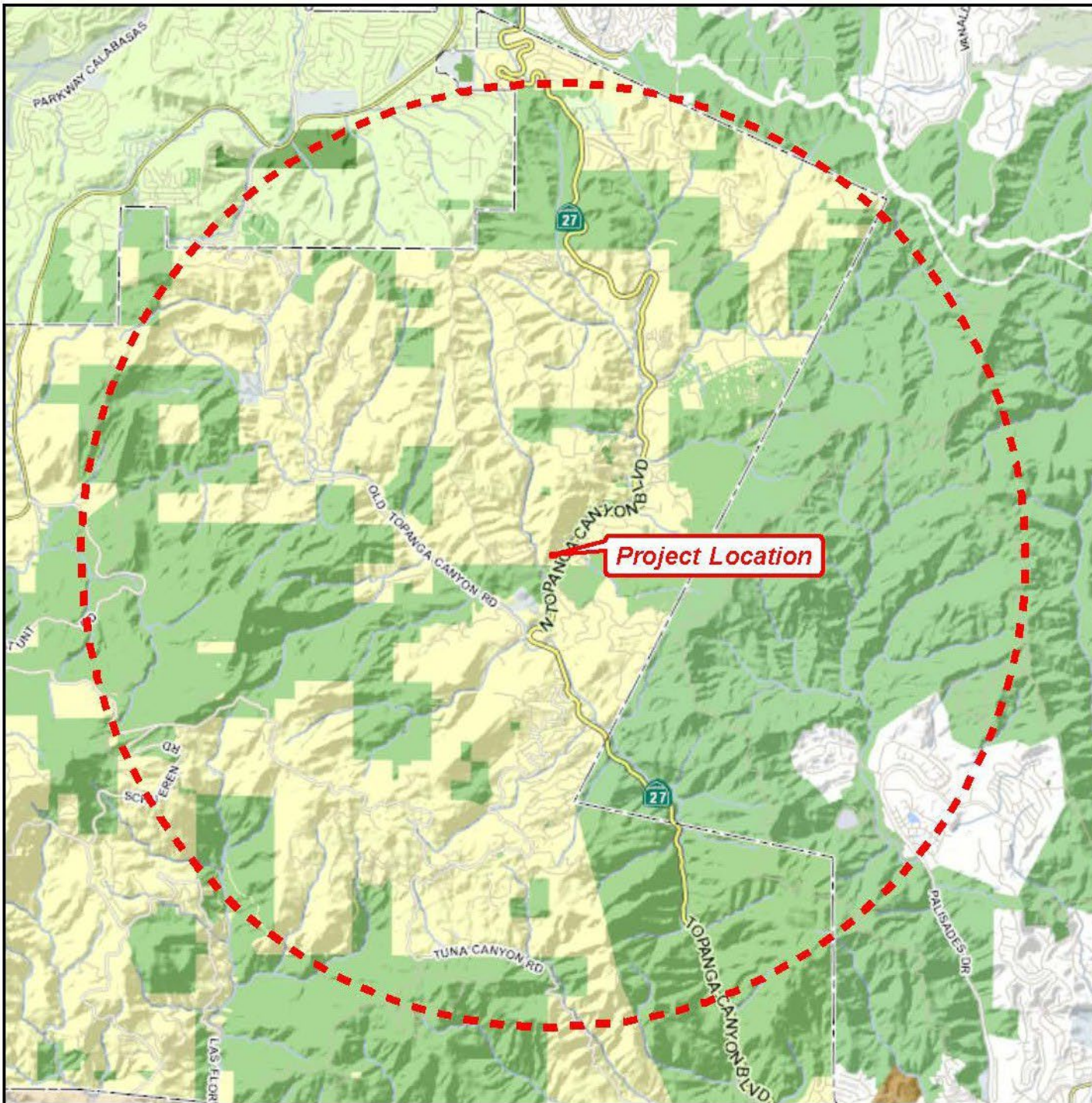
OTP RPPL2023002442

Digital Ortho Aerial Imagery:  
Los Angeles Region Imagery  
Acquisition Consortium (LARIAC)  
2023



**LA COUNTY**  
**PLANNING**

LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles CA 90012



# 3-MILE RADIUS

## LOCATOR MAP

PROJECT NO. PRJ2023-001704

OTP RPPL2023002442



**LA COUNTY**  
**PLANNING**

LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles CA 90012

# 20-MILE RADIUS

## LOCATOR MAP

PROJECT NO. PRJ2023-001704

OTP RPPL2023002442



LA COUNTY  
**PLANNING**

LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles CA 90012

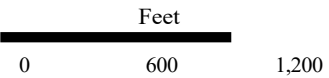
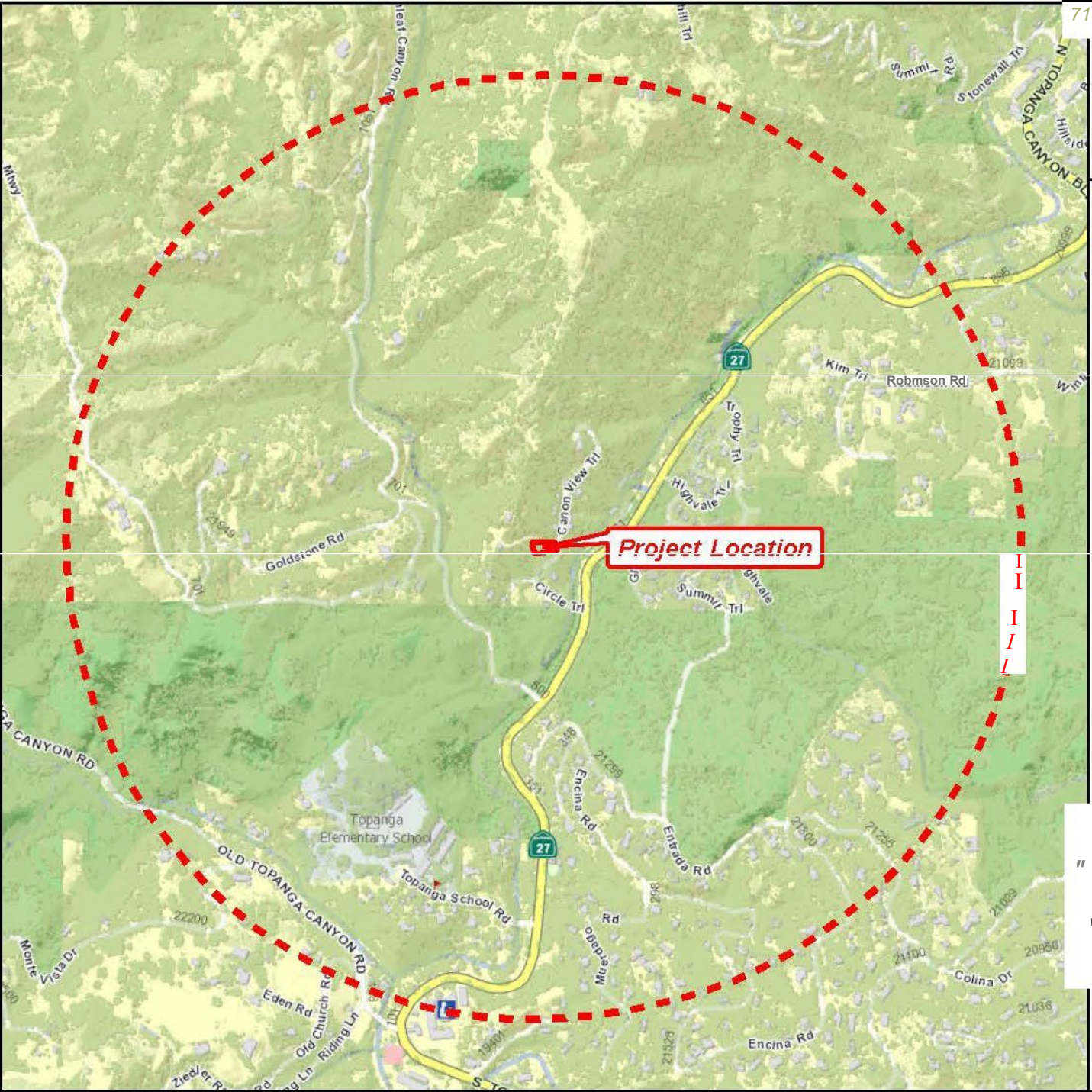


# HALF-MILE RADIUS

## LOCATOR MAP

PROJECT NO. PRJ2023-001704

OTP RPPL2023002442



LA COUNTY  
**PLANNING**

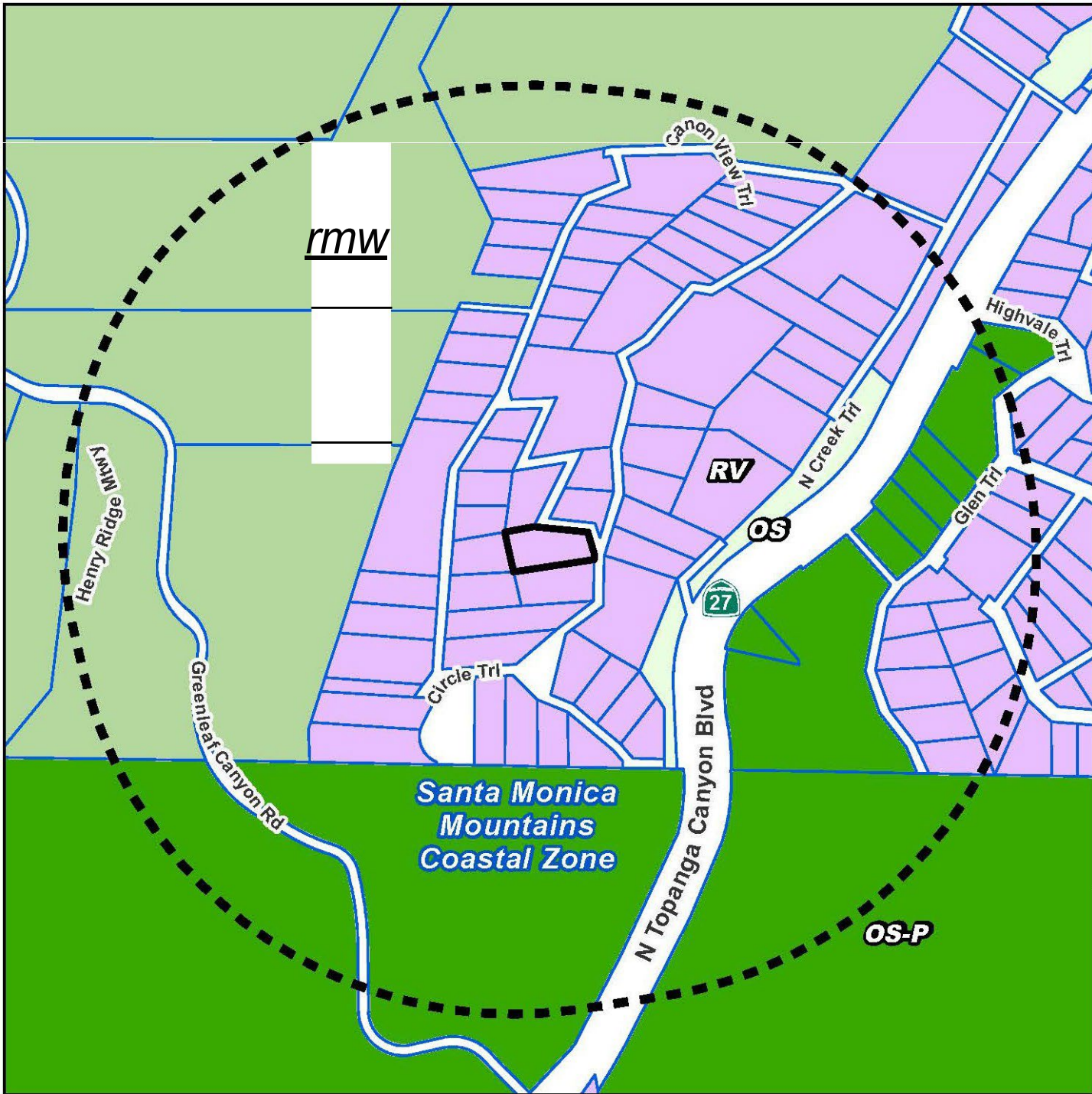
LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles CA 90012

# LAND USE POLICY

700-FOOT RADIUS MAP

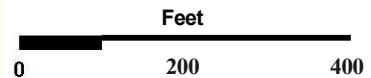
PROJECT NO. PRJ2023-001704

OTP RPPL2023002442



rmw

- RL20 - Rural Lands (1 du/ 20 ac)
- OS - Open Space
- OS-P - Open Space-Parks
- RV - Rural Village



LA COUNTY  
**PLANNING**

LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W Temple Street  
Los Angeles, CA 90012

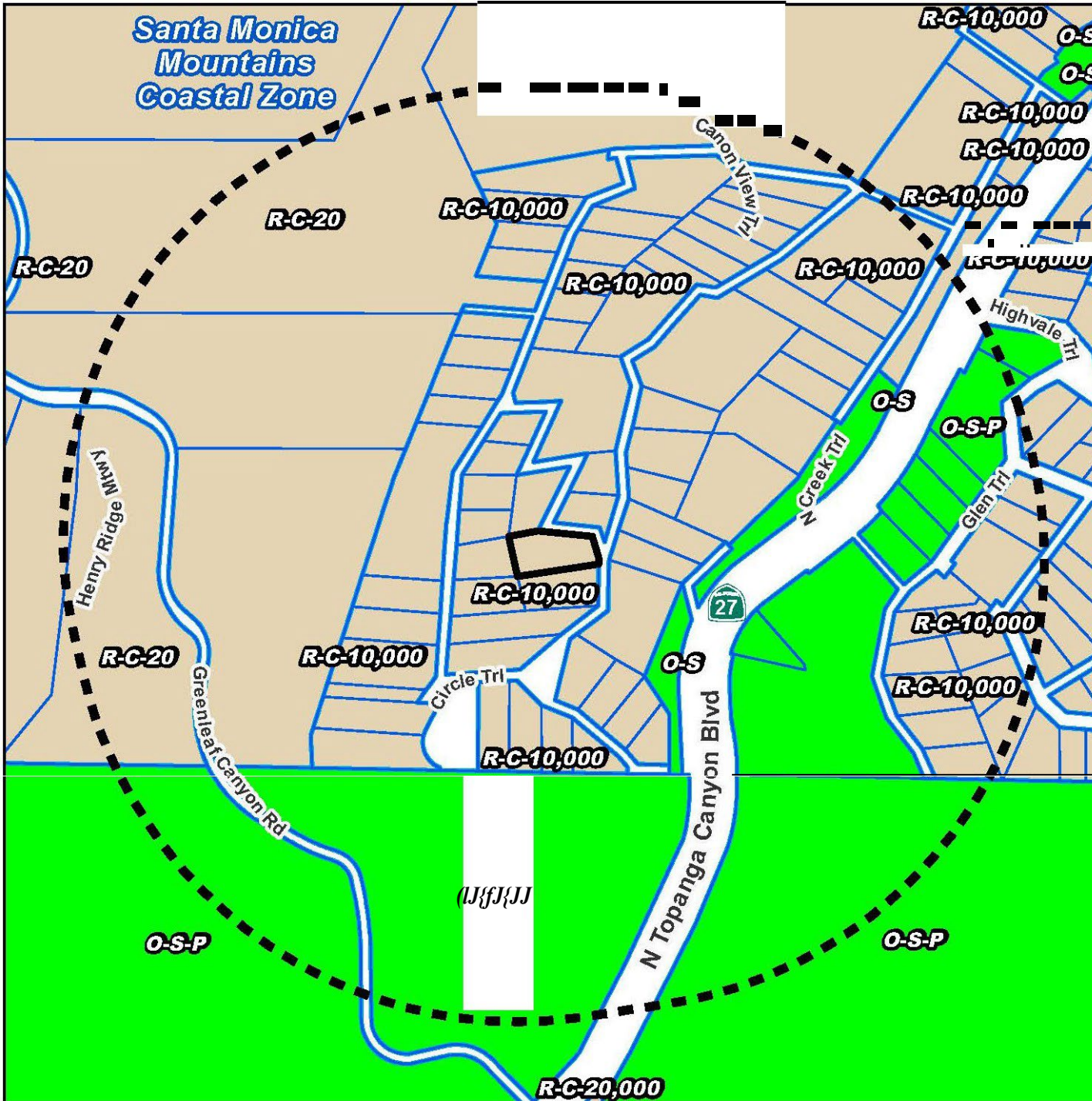
**Santa Monica  
Mountains  
Coastal Zone**

# ZONING

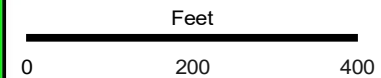
## 700-FOOT RADIUS MAP

PROJECT NO. PRJ2023-001704

OTP RPPL2023002442



- D**
- R-C - Rural Coastal
  - O-S - Open Space
  - O-S-P - Open Space - Parks



**LA COUNTY  
PLANNING**

LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W Temple Street  
Los Angeles, CA 90012

Photo Key:

**FENCING -**

- (1) Early photo after purchase in 1981, showing fence going to house corner monument area.
- (1.a) Enlargement of fence detail.
- (2) Original fence posts.
- (3) Historic fence/materials (pre-1975).
- (4) Licensed fence contractor repairing/replacing original fence posts per historic survey.
- (5) Monument marker (detail).
- (6) Property line marker.
- (7) Rebuilt fence using original spec. materials as noted in title report and 1975 easement document.

**PAVERS-**

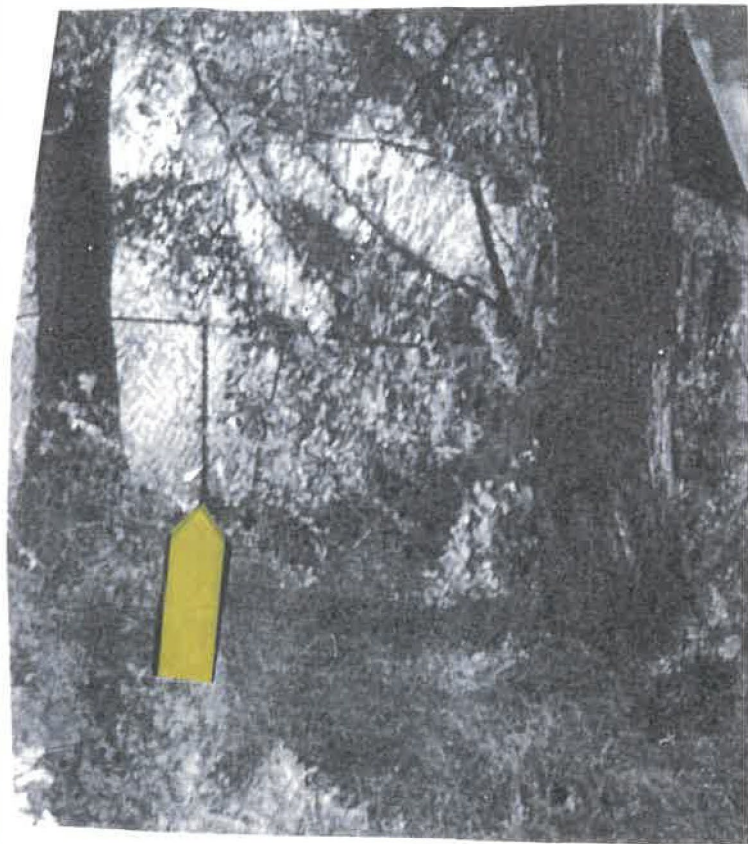
- (8) Pavers pre-existing to purchase in 1981.
- (9) Pre-existing paver area, since improved with better strength and air/water permeability.
- (10) Specs. of upgraded replacement air/water permeable pavers.
- (11) Neighbors completed project using upgraded pavers, approved by Bldg. & Safety.



(1) Early photo after purchase in **1981**, showing fence going to house corner monument area.



(1.a) Enlargement of fence detail.



Enlargement of fence detail.

Pre-1975 fence (pre-1975).



Original fence posts.



Original fence posts. (2)



Licensed fence contractor repairing/replacing original fence posts per historic survey. (4)



Rebuilt fence using original spec. materials as noted in title report and 1975 easement document. (7)



(5) Monument marker (detail).



**PAVERS-**

(8) Pavers pre-existing to purchase in 1981.







(9) Pre-existing paver area, since improved with better strength and air/water permeability.

(10) Specs. of upgraded replacement air/water permeable pavers.



(9)



**Geometric Properties**

Property	Value
fmina/kea(lx	24"x24"x1.5"
Grosskeafmi rmt	4s.f.
Cooacte,Strengh	5000
Weightaf ea;hmat	45loo
Flexibi!!!' (min.ramusofcurvature)	12in
!MableArea	61%(100%torSo
CoriaeteSmArea	39%
ConaeteBearingArea	00%
Mm perpallet	60
keacoveredper	240s.f.
Col«	IMfITanl

(11) Neighbors completed project using upgraded pavers, approved by Bldg. & Safety.



This thin-profile, permeable, and flexible concrete paving mat promotes superior root penetration and moisture containment beneath the product resulting in healthy turf. Unlike other products with cellular plantings in void spaces within the pavement field.

The mats maintain the characteristics of lattice-style structure which allows vegetation, such as grass, to grow right through it, while providing a continuous root system below the mats, promoting healthy turf while minimizing moisture evaporation. Also, the design of the product limits infill and root compaction by concentrating the load on the concrete pads instead of large void spaces.

[These] properties enable precipitation to infiltrate into the underlying soils, thus increasing on-site storm water storage and minimizing runoff that goes to our oceans, rivers, streams, and lakes, while not losing valuable site area.

[Mats] are made of wet-cast concrete "muffins" connected by a grid, with holes to allow for water infiltration and root penetration. The polymer grid embedded in the mats allows them to flex and conform to uneven ground surfaces without coming apart.





RIGHT TO PASS  
BY PERMISSIBLE  
AND SUBJECT  
TO CONTROL  
OF WATER  
SECTION 4 CIVIL CODE







ANTHONY C. MARRONE  
FIRE CHIEF  
FORESTER & FIRE WARDEN

*"Proud Protectors of Life,  
the Environment, and Property"*

## COUNTY OF LOS ANGELES FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294  
(323) 881-2401  
[www.fire.lacounty.gov](http://www.fire.lacounty.gov)



### BOARD OF SUPERVISORS

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FIFTH DISTRICT

June 27, 2023

Tyler Montgomery, Planner  
Department of Regional Planning  
Zoning Permits Section  
320 West Temple Street  
Los Angeles, CA 90012

Dear Tyler Montgomery:

**OAK TREE PERMIT NUMBER RPPL2023002442  
APN: 4444027018**

We have reviewed the "Request for Oak Tree Permit #RPPL2023002442." The project is located at APN: 4444027018 in the unincorporated area of. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Richard W. Veyna, the consulting arborist, dated March 7, 2023.

**We recommend the following as conditions of approval:**

**OAK TREE PERMIT REQUIREMENTS:**

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. The permittee shall, prior to commencement of the use authorized by this grant, pay the fees invoiced through EPIC-LA to the County of Los Angeles Fire Department. Such fees shall be used to compensate the County Forester per inspection and to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of approval. These fees provide for one (1) initial inspection prior to

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS  
ARTESIA  
AZUSA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER  
BRADBURY  
CALABASAS

CARSON  
CERRITOS  
CLAREMONT  
COMMERCE  
COVINA  
CUDAHY  
DIAMOND BAR  
DUARTE

EL MONTE  
GARDENA  
GLEN DORA  
HAWAIIAN GARDENS  
HAWTHORNE  
HERMOSA BEACH  
HIDDEN HILLS  
HUNTINGTON PARK  
INDUSTRY

INGLEWOOD  
IRWINDALE  
LA CANADA-FLINTRIDGE  
**LA HABRA**  
**LA MIRADA**  
LA PUENTE  
LAKEWOOD  
LANCASTER

LAWNDALE  
LOMITA  
LYNWOOD  
MALIBU  
MAYWOOD  
NORWALK  
PALMDALE  
PALOS VERDES ESTATES  
PARAMOUNT

PICO RIVERA  
POMONA  
RANCHO PALOS VERDES  
ROLLING HILLS  
ROLLING HILLS ESTATES  
ROSEMEAD  
SAN DIMAS  
SANTA CLARITA

SIGNAL HILL  
SOUTH EI MONTE  
SOUTHGATE  
TEMPLE CITY  
VERNON  
WALNUT  
WEST HOLLYWOOD  
WESTLAKE VILLAGE  
WHITTIER

the commencement of construction and six (6) subsequent inspections until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department's Forestry Division stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
5. The permittee shall install temporary chainlink fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

**PERMITT\_ED OAK TREE ENCROACHMENT:**

7. This grant allows encroachment within the protected zone of two (2) trees of the Oak genus identified as Tree Number 1 and Tree Number 2 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved and treated as recommended by the consulting arborist.
8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. In no case shall more than 20% of the tree canopy of any one tree be removed.



9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance." prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

**MITIGATION TREES:**

10. The permittee shall provide mitigation trees of the Oak genus at a rate of ten to one (10:1) for any tree specified above that dies as a result of the approved encroachments. In addition, any tree that reaches ordinance size during the construction and monitoring period shall be included in this permit and subject to these conditions of approval.
11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
12. Mitigation trees shall consist of indigenous varieties of Quercus agrifolia, grown from a local seed source.
13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted on site or within the same community if approved by the County Forester. If mitigation trees are deemed impossible by the County Forester, only then a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

**NON-PERMITTED ACTIONS AND VIOLATIONS:**

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.

17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division for all enforcement efforts necessary to bring the subject property into compliance.

To schedule a County Forester inspection, please contact the Environmental Review Unit at (818) 890-5719.

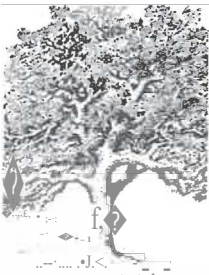
If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,

TREVOR MOORE, ASSISTANT CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

TM:jl

Enclosure



**Richard W. Veyna**  
**ASSOCIATES**  
*Horticultural Consultants*

March 7, 2023

Howard and Kim Elston  
475 Doroty Lane  
Arroyo Grande, CA 93420

Howard and Kim,

On February 2, 2023, I visited a lot opposite 537 Canon View Trail, in the Topanga area of Los Angeles, CA. I was called there to inspect two California Live Oaks, (*Quercus agrifolia*), one of which had pavers beneath it and another which had a fence line installed under its canopy. The position of the pavers was located well within the canopy of the Oak adjacent to the road. These pavers were pervious and posed no detriment to the Oak. I advised you that although this was the case, that parking on the pavers for an extended period of time could do harm to the tree.

The other Oak was located further away from the road on a steep grade. I noted a fence line crossing underneath its canopy on the downhill side. I was informed that seven new fence posts were installed when the fence was repaired. The holes dug to install these posts were from 12" to 18" wide. I was told the postholes were excavated eight months ago. I made a visual inspection of the tree and found it to be in excellent health, with lush foliage and no signs of stress. I measured the tree and found it to be approximately seventy feet wide, thirty feet high with a trunk caliper of thirty inches (dbh). Calculating the area under the canopy we found it to be approximately 15,394 sq. ft. The area occupied by the fence posts is from 7 to 10.5 sq. ft. This would mean the fence posts encroached on the area under the canopy of the Oak by 0.00006821 sq. ft. or less. Considering the health of the tree eight months after the installation of the fence posts, I would say they have had no negative effect on the tree in question and there would be no harm in letting the posts remain in their present position.

**Disclaimer** - Arborists are tree specialists who use their experience, knowledge, training, and education to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk near trees. Clients may choose or accept or disregard the recommendations of the Arborist or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that can fall in ways we can not anticipate or predict. Conditions are often hidden within the tree and/or below the ground level. Arborists cannot guarantee that a tree will be healthy or safe under all conditions, or for a specific period of time. Likewise, remedial treatments, like medicine, cannot guarantee the future health or structural integrity of a tree.

Treatment, pruning and removal of trees may involve conditions beyond the scope of the Arborist's services, (such as property boundaries and ownership, site lines, neighbor disputes,



**Certified Arborist #WE-12195A**  
**Tree Risk Assessment Qualifier**





**Richard W. Veyna**  
**ASSOCIATES**  
*Horticultural Consultants*

landlord tenant matters, etc.) Arborists cannot take such issues into account unless complete information has been provided to them.

The person hiring the Arborist accepts all liability for authorizing the recommended treatment or remedial measures once it has been explained and acknowledges that successful results cannot be guaranteed. Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate risk from trees is to eliminate them in the landscape.

No warranty is made, expressed or implied, that problems or deficiencies of the tree or the property will not occur in the future, from any cause. The Consultant shall not be liable for damages or injuries caused by tree defects and assume no responsibility for the correction of defects or tree related problems.

R.W. Veyna, Certified Arborist

Authorized Signature

Richard W. Veyna Associates



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